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# ESSAYS:

## SCIENTIFIC, POLITICAL, & SPECULATIVE.

BY

HERBERT SPENCER.

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# MANNERS AND FASHION.

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Whoever has studied the physiognomy of political meetings, cannot fail to have remarked a connexion between democratic opinions and peculiarities of costume. At a Chartist demonstration, a lecture on Socialism, or a *soirée* of the Friends of Italy, there will be seen many among the audience, and a still larger ratio among the speakers, who get themselves up in a style more or less unusual. One gentleman on the platform divides his hair down the centre, instead of on one side; another brushes it back off the forehead, in the fashion known as "bringing out the intellect;" a third has so long forsworn the scissors, that his locks sweep his shoulders. A sprinkling of moustaches may be observed; here and there an imperial; and occasionally some courageous breaker of conventions exhibits a full-grown beard.* This nonconformity in hair is countenanced by various nonconformities in dress, shown by others of the assemblage. Bare necks, shirt-collars *à la* Byron, waistcoats cut Quaker fashion, wonderfully shaggy great coats, numerous oddities in form and colour, destroy the monotony usual in crowds. Even those exhibiting no conspicuous peculiarity, frequently indicate by something in the pattern of their clothes, that they pay small regard to what their

* This was written before moustaches and beards had become general.

tailors tell them about the prevailing taste. And when the gathering breaks up, the varieties of head gear displayed—the number of caps, and the abundance of felt hats—suffice to prove that were the world at large like-minded, the black cylinders which tyrannize over us would soon be deposed.

This relationship between political discontent and disregard of customs exists on the Continent also. Red republicanism is everywhere distinguished by its hirsuteness. The authorities of Prussia, Austria, and Italy, alike recognize certain forms of hat as indicative of disaffection, and fulminate against them accordingly. In some places the wearer of a blouse runs a risk of being classed among the *suspects;* and in others, he who would avoid the bureau of police, must beware how he goes out in any but the ordinary colours. Thus, democracy abroad, as at home, tends towards personal singularity. Nor is this association of characteristics peculiar to modern times, or to reformers of the State. It has always existed; and it has been manifested as much in religious agitations as in political ones. The Puritans, disapproving of the long curls of the Cavaliers, as of their principles, cut their own hair short, and so gained the name of "Roundheads." The marked religious nonconformity of the Quakers was accompanied by an equally-marked nonconformity of manners—in attire, in speech, in salutation. The early Moravians not only believed differently, but at the same time dressed differently, and lived differently, from their fellow Christians. That the association between political independence and independence of personal conduct, is not a phenomenon of to-day only, we may see alike in the appearance of Franklin at the French court in plain clothes, and in the white hats worn by the last generation of radicals. Originality of nature is sure to show itself in more ways than one. The mention of George Fox's suit of leather, or Pestalozzi's school name, "Harry Oddity," will at once suggest the

remembrance that men who have in great things diverged from the beaten track, have frequently done so in small things likewise. Minor illustrations may be gathered in almost every circle. We believe that whoever will number up his reforming and rationalist acquaintances, will find among them more than the usual proportion of those who in dress or behaviour exhibit some degree of what the world calls eccentricity.

If it be a fact that men of revolutionary aims in politics or religion, are commonly revolutionists in custom also, it is not less a fact that those whose office it is to uphold established arrangements in State and Church, are also those who most adhere to the social forms and observances bequeathed to us by past generations. Practices elsewhere extinct still linger about the head quarters of government. The monarch still gives assent to Acts of Parliament in the old French of the Normans; and Norman French terms are still used in law. Wigs, such as those we see depicted in old portraits, may yet be found on the heads of judges and barristers. The Beefeaters at the Tower wear the costume of Henry VIIth's body-guard. The University dress of the present year varies but little from that worn soon after the Reformation. The claret-coloured coat, knee-breeches, lace shirt-frills, white silk stockings, and buckled shoes, which once formed the usual attire of a gentleman, still survive as the court-dress. And it need scarcely be said that at *levées* and drawing-rooms, the ceremonies are prescribed with an exactness, and enforced with a rigour, not elsewhere to be found.

Can we consider these two series of coincidences as accidental and unmeaning? Must we not rather conclude that some necessary relationship obtains between them? Are there not such things as a constitutional conservatism, and a constitutional tendency to change? Is there not a class which clings to the old in all things; and another class so in love with progress as often to mistake novelty for improve-

ment? Do we not find some men ready to bow to established authority of whatever kind; while others demand of every such authority its reason, and reject it if it fails to justify itself? And must not the minds thus contrasted tend to become respectively conformist and nonconformist, not only in politics and religion, but in other things? Submission, whether to a government, to the dogmas of ecclesiastics, or to that code of behaviour which society at large has set up, is essentially of the same nature; and the sentiment which induces resistance to the despotism of rulers, civil or spiritual, likewise induces resistance to the despotism of the world's usages. All enactments, alike of the legislature, the consistory, and the saloon—all regulations, formal or virtual, have a common character: they are all limitations of men's freedom. "Do this—Refrain from that," are the blank forms into which they may severally be written; and throughout the understanding is that obedience will bring approbation here and paradise hereafter; while disobedience will entail imprisonment, or sending to Coventry, or eternal torments, as the case may be. And if restraints, however named, and through whatever apparatus of means exercised, are one in their action upon men, it must happen that those who are patient under one kind of restraint, are likely to be patient under another; and conversely, that those impatient of restraint in general, will, on the average, tend to show their impatience in all directions.

That Law, Religion, and Manners are thus related, and that they have in certain contrasted characteristics of men a common support and a common danger, will, however, be most clearly seen on discovering that they have a common origin. Little as from present appearances we should suppose it, we shall yet find that at first, the control of religion, the control of laws, and the control of manners, were all one control. Strange as it now seems, we believe it to be demonstrable that the rules of etiquette, the provisions of the statute-book, and the commands of the

decalogue, have grown from the same root. If we go far enough back into the ages of primeval Fetishism, it becomes manifest that originally Deity, Chief, and Master of the Ceremonies were identical. To make good these positions, and to show their bearing on what is to follow, it will be necessary here to traverse ground that is in part somewhat beaten, and at first sight irrelevant to our topic. We will pass over it as quickly as consists with the exigencies of the argument.

That the earliest social aggregations were ruled solely by the will of the strong man, few dispute.* That from the strong man proceeded not only Monarchy, but the conception of a God, few admit: much as Carlyle and others have said in evidence of it. If, however, those who are unable to believe this, will lay aside the ideas of God and man in which they have been educated, and study the aboriginal ideas of them, they will at least see some probability in the hypothesis. Let them remember that before experience had yet taught men to distinguish between the possible and the impossible; and while they were ready on the slightest suggestion to ascribe unknown powers to any object and make a fetish of it; their conceptions of humanity and its capacities were necessarily vague, and without specific limits. The man who by unusual strength, or cunning, achieved something that others had failed to achieve, or something which they did not understand, was considered by them as differing from themselves; and, as we see in the belief of some Polynesians that only their chiefs have souls, or in that of the ancient Peruvians that their nobles were divine by birth, the ascribed difference was apt to be not one of degree only, but one of kind. Let them remember next, how gross were the notions of God, or

* The few who disputed it would be right however. There are stages preceding that in which chiefly power becomes established; and in many cases it never does become established.

rather of gods, prevalent during the same era and afterwards—how concretely gods were conceived as men of specific aspects dressed in specific ways—how their names were literally "the strong," "the destroyer," "the powerful one,"—how, according to the Scandinavian mythology, the "sacred duty of blood-revenge" was acted on by the gods themselves,—and how they were not only human in their vindictiveness, their cruelty, and their quarrels with each other, but were supposed to have amours on earth, and to consume the viands placed on their altars. Add to which, that in various mythologies, Greek, Scandinavian, and others, the oldest beings are giants: that according to a traditional genealogy the gods, demi-gods, and in some cases men, are descended from these after the human fashion; and that while in the East we hear of sons of God who saw the daughters of men that they were fair, the Teutonic myths tell of unions between the sons of men and the daughters of the gods. Let them remember, too, that at first the idea of death differed widely from that which we have; that there are still tribes who, on the decease of one of their number, attempt to make the corpse stand, and put food into its mouth; that the Peruvians had feasts at which the mummies of their dead Incas presided, when, as Prescott says, they paid attention "to these insensible remains as if they were instinct with life;" that among the Fijians it is believed that every enemy has to be killed twice; that the Eastern Pagans give extension and figure to the soul, and attribute to it all the same members, all the same substances, both solid and liquid, of which our bodies are composed; and that it is the custom among most barbarous races to bury food, weapons, and trinkets along with the dead body, under the manifest belief that it will presently need them. Lastly, let them remember that the other world, as originally conceived, is simply some distant part of this world—some Elysian fields, some happy hunting-ground, accessible even to the living, and to which,

after death, men travel in anticipation of a life analogous in general character to that which they led before. Then, co-ordinating these general facts—the ascription of unknown powers to chiefs and medicine men; the belief in deities having human forms, passions, and behaviour; the imperfect comprehension of death as distinguished from life; and the proximity of the future abode to the present, both in position and character—let them reflect whether they do not almost unavoidably suggest the conclusion that the aboriginal god is the dead chief: the chief not dead in our sense, but gone away, carrying with him food and weapons to some rumoured region of plenty, some promised land, whither he had long intended to lead his followers, and whence he will presently return to fetch them. This hypothesis once entertained, is seen to harmonize with all primitive ideas and practices. The sons of the deified chief reigning after him, it necessarily happens that all early kings are held descendants of the gods; and the fact that alike in Assyria, Egypt, among the Jews, Phœnicians, and ancient Britons, kings' names were formed out of the names of the gods, is fully explained. The genesis of Polytheism out of Fetishism, by the successive migrations of the race of god-kings to the other world—a genesis illustrated in the Greek mythology, alike by the precise genealogy of the deities, and by the specifically-asserted apotheosis of the later ones—tends further to bear it out. It explains the fact that in the old creeds, as in the still extant creed of the Otaheitans, every family has its guardian spirit, who is supposed to be one of their departed relatives; and that they sacrifice to these as minor gods—a practice still pursued by the Chinese and even by the Russians. It is perfectly congruous with the Grecian myths concerning the wars of the Gods with the Titans and their final usurpation; and it similarly agrees with the fact that among the Teutonic gods proper was one Freir who came among them by adoption, "but was born

among the *Vanes*, a somewhat mysterious *other* dynasty of gods, who had been conquered and superseded by the stronger and more warlike Odin dynasty." It harmonizes, too, with the belief that there are different gods to different territories and nations, as there were different chiefs; that these gods contend for supremacy as chiefs do; and it gives meaning to the boast of neighbouring tribes—"Our god is greater than your god." It is confirmed by the notion universally current in early times, that the gods come from this other abode, in which they commonly live, and appear among men—speak to them, help them, punish them. And remembering this, it becomes manifest that the prayers put up by primitive peoples to their gods for aid in battle, are meant literally—that their gods are expected to come back from the other kingdom they are reigning over, and once more fight the old enemies they had before warred against so implacably; and it needs but to name the Iliad, to remind every one how thoroughly they believed the expectation fulfilled.*

All government, then, being originally that of the strong man who has become a fetish by some manifestation of superiority, there arises, at his death—his supposed departure on a long-projected expedition, in which he is accompanied by the slaves and concubines sacrificed at his tomb—there arises, then, the incipient division of religious

* In this paragraph, which I have purposely left standing word for word as it did when republished with other essays in Dec. 1857, will be seen the outline of the ghost-theory. Though there are references to fetishism as a primitive form of belief, and though at that time I had passively accepted the current theory (though never with satisfaction, for the origin of fetishism as then conceived seemed incomprehensible) yet the belief that inanimate objects may possess supernatural powers (which is what was then understood as fetishism) is not dwelt upon as a primitive belief. The one thing which is dwelt upon is the belief in the double of the dead man as continuing to exist, and as becoming an object of propitiation and eventually of worship. There are clearly marked out the rudiments which, when supplied with the mass of facts collected in the *Descriptive Sociology* developed into the doctrine elaborated in Part I. of *The Principles of Sociology*.

from political control, of spiritual rule from civil. His son becomes deputed chief during his absence; his authority is cited as that by which his son acts; his vengeance is invoked on all who disobey his son; and his commands, as previously known or as asserted by his son, become the germ of a moral code: a fact we shall the more clearly perceive if we remember, that early moral codes inculcate mainly the virtues of the warrior, and the duty of exterminating some neighbouring tribe whose existence is an offence to the deity. From this point onwards, these two kinds of authority, at first complicated together as those of principal and agent, become slowly more and more distinct. As experience accumulates, and ideas of causation grow more precise, kings lose their supernatural attributes; and, instead of God-king, become God-descended king, God-appointed king, the Lord's anointed, the vicegerent of Heaven, ruler reigning by Divine right. The old theory, however, long clings to men in feeling, after it has disappeared in name; and "such divinity doth hedge a king," that even now, many, on first seeing one, feel a secret surprise at finding him an ordinary sample of humanity. The sacredness attaching to royalty attaches afterwards to its appended institutions—to legislatures, to laws. Legal and illegal are synonymous with right and wrong; the authority of Parliament is held unlimited; and a lingering faith in governmental power continually generates unfounded hopes from its enactments. Political scepticism, however, having destroyed the divine *prestige* of royalty, goes on ever increasing, and promises ultimately to reduce the State to a purely secular institution, whose regulations are limited in their sphere, and have no other authority than the general will. Meanwhile, the religious control has been little by little separating itself from the civil, both in its essence and in its forms. While from the God-king of the barbarian have arisen in one direction, secular rulers who, age by age, have been losing

the sacred attributes men ascribed to them; there has arisen in another direction, the conception of a deity, who, at first human in all things, has been gradually losing human materiality, human form, human passions, human modes of action: until now, anthropomorphism has become a reproach. Along with this wide divergence in men's ideas of the divine and civil ruler has been taking place a corresponding divergence in the codes of conduct respectively proceeding from them. While the king was a deputy-god—a governor such as the Jews looked for in the Messiah—a governor considered, as the Czar still is, "our God upon earth,"—it, of course, followed that his commands were the supreme rules. But as men ceased to believe in his supernatural origin and nature, his commands ceased to be the highest; and there arose a distinction between the regulations made by him, and the regulations handed down from the old god-kings, who were rendered ever more sacred by time and the accumulation of myths. Hence came respectively, Law and Morality: the one growing ever more concrete, the other more abstract; the authority of the one ever on the decrease, that of the other ever on the increase; originally the same, but now placed daily in more marked antagonism. Simultaneously there has been going on a separation of the institutions administering these two codes of conduct. While they were yet one, of course Church and State were one: the king was arch-priest, not nominally, but really—alike the giver of new commands and the chief interpreter of the old commands; and the deputy-priests coming out of his family were thus simply expounders of the dictates of their ancestry: at first as recollected, and afterwards as ascertained by professed interviews with them. This union between sacred and secular—which still existed practically during the middle ages, when the authority of kings was mixed up with the authority of the pope, when there were bishop-rulers having all the powers of feudal lords, and when priests punished

by penances—has been, step by step, becoming less close. Though monarchs are still "defenders of the faith," and ecclesiastical chiefs, they are but nominally such. Though bishops still have civil power, it is not what they once had. Protestantism shook loose the bonds of union; Dissent has long been busy in organizing a mechanism for religious control, wholly independent of law; in America, a separate organization for that purpose already exists; and if anything is to be hoped from the Anti-State-Church Association —or, as it has been newly named, "The Society for the Liberation of Religion from State Patronage and Control" —we shall presently have a separate organization here also. Thus, in authority, in essence, and in form, political and spiritual rule have been ever more widely diverging from the same root. That increasing division of labour which marks the progress of society in other things, marks it also in this separation of government into civil and religious; and if we observe how the morality which now forms the substance of religions in general, is beginning to be purified from the associated creeds, we may anticipate that this division will be ultimately carried much further.

Passing now to the third species of control—that of Manners—we shall find that this, too, while it had a common genesis with the others, has gradually come to have a distinct sphere and a special embodiment. Among early aggregations of men before yet social observances existed, the sole forms of courtesy known were the signs of submission to the strong man; as the sole law was his will, and the sole religion the awe of his supposed supernaturalness. Originally, ceremonies were modes of behaviour to the god-king. Our commonest titles have been derived from his names. And all salutations were primarily worship paid to him. Let us trace out these truths in detail, beginning with titles.

The fact already noticed, that the names of early kings among divers races are formed by the addition of certain

syllable to the names of their gods—which certain syllables, like our *Mac* and *Fitz*, probably mean "son of," or "descended from"—at once gives meaning to the term *Father* as a divine title. And when we read, in Selden, that "the composition out of these names of Deities was not only proper to Kings: their Grandes and more honorable Subjects" (no doubt members of the royal race) "had sometimes the like;" we see how the term *Father*, properly used by these also, and by their multiplying descendants, came to be a title used by the people in general. As bearing on this point, it is significant that in the least advanced country of Europe, where belief in the divine nature of the ruler still lingers, *Father* in this higher sense, is still a regal distinction. When, again, we remember how the divinity at first ascribed to kings was not a complimentary fiction but a supposed fact; and how, further, the celestial bodies were believed to be personages who once lived among men; we see that the appellations of oriental rulers, "Brother to the Sun," &c., were probably once expressive of a genuine belief; and have simply, like many other things, continued in use after all meaning has gone out of them. We may infer, too, that the titles God, Lord, Divinity, were given to primitive rulers literally—that the *nostra divinitas* applied to the Roman emperors, and the various sacred designations that have been borne by monarchs, down to the still extant phrase, "Our Lord the King," are the dead and dying forms of what were once living facts. From these names, God, Father, Lord, Divinity, originally belonging to the God-king, and afterwards to God and the king, the derivation of our commonest titles of respect is traceable. There is reason to think that these titles were originally proper names. Not only do we see among the Egyptians, where Pharaoh was synonymous with king, and among the Romans, where to be Cæsar, meant to be Emperor, that the proper names of the greatest men were transferred to their successors, and so became class-names;

but in the Scandinavian mythology we may trace a human title of honour up to the proper name of a divine personage. In Anglo-Saxon *bealdor*, or *baldor*, means *Lord;* and Balder is the name of the favourite of Odin's sons. How these names of honour became general is easily understood. The relatives of the primitive kings—the grandees described by Selden as having names formed on those of the gods, and shown by this to be members of the divine race—necessarily shared in the epithets descriptive of superhuman relationships and nature. Their ever-multiplying offspring inheriting these, gradually rendered them comparatively common. And then they came to be applied to every man of power: partly from the fact that, in those early days when men conceived divinity simply as a stronger kind of humanity, great persons could be called by divine epithets with but little exaggeration; partly from the fact that the unusually potent were apt to be considered as unrecognised or illegitimate descendants of "the strong, the destroyer, the powerful one;" and partly, also, from compliment and the desire to propitiate. As superstition diminished, this last became the sole cause. And if we remember that it is the nature of compliment, to attribute more than is due—that in the ever widening application of "esquire," in the perpetual repetition of "your honour" by the fawning Irishman, and in the use of the name "gentleman" to any coalheaver or dustman by the lower classes of London, we have current examples of the depreciation of titles consequent on compliment—and that in barbarous times, when the wish to propitiate was stronger than now, this effect must have been greater; we shall see that there naturally arose from this cause an extensive misuse of all early distinctions. Hence the facts that the Jews called Herod a god; that *Father*, in its higher sense, was a term used among them by servants to masters; that *Lord* was applicable to any person of worth and power. Hence, too, the fact that, in the later periods of the Roman Empire, every man saluted his neighbour as

*Dominus* or *Rex*. But it is in the titles of the middle ages, and in the growth of our modern ones out of them, that the process is most clearly seen. *Herr, Don, Signor, Seigneur, Señor*, were all originally descriptive names of rulers. By the complimentary use of these names to all who could, on any pretence, be supposed to merit them, and by successive descents to still lower grades, they have come to be common forms of address. At first the phrase in which a serf accosted his despotic chief, *mein Herr* is now familiarly applied in Germany to ordinary people. The Spanish title *Don*, once proper to noblemen and gentlemen only, is now accorded to all classes. So, too, is it with *Signor* in Italy. *Seigneur* and *Monseigneur*, by contraction in *Sieur* and *Monsieur*, have produced the term of respect claimed by every Frenchman. And whether *Sire* be or be not a like contraction of *Signor*, it is clear that, as it was borne by sundry of the ancient feudal lords of France, who, as Selden says, "affected rather to bee stiled by the name of *Sire* than Baron, as *Le Sire de Montmorencie, Le Sire de Beaujeu*, and the like," and as it has been commonly used to monarchs, our word *Sir*, which is derived from it, originally meant lord or king. Thus, too, is it with feminine titles. *Lady*, which, according to Horne Tooke, means *exalted*, and was at first given only to the few, is now given to all women of education. *Dame*, once an honourable name to which, in old books, we find the epithets of "high-born" and "stately" affixed, has now, by repeated widenings of its application, become relatively a term of contempt. And if we trace the compound of this, *ma Dame*, through its contractions—*Madam, ma'am, mam, mum*, we find that the "Yes'm" of Sally to her mistress is originally equivalent to "Yes, my exalted," or "Yes, your highness." Throughout, therefore, the genesis of words of honour has been the same. Just as with the Jews and with the Romans, has it been with the modern Europeans. Tracing these everyday names to their primitive significations of *lord* and *king*, and

remembering that in aboriginal societies these were applied only to the gods and their descendants, we arrive at the conclusion that our familiar *Sir* and *Monsieur* are, in their primary and expanded meanings, terms of adoration.

Further to illustrate this gradual depreciation of titles, and to confirm the inference drawn, it may be well to notice in passing, that the oldest of them have, as might be expected, been depreciated to the greatest extent. Thus, *Master*—a word proved by its derivation, and by the similarity of the connate words in other languages (Fr., *maître* for *maistre;* Dutch, *meester;* Dan., *mester;* Ger., *meister*) to have been one of the earliest in use for expressing lordship—has now become applicable to children only, and, under the modification of "Mister," to persons next above the labourer. Again, knighthood, the oldest kind of dignity, is also the lowest; and Knight Bachelor, which is the lowest order of knighthood, is more ancient than any other of the orders. Similarly, too, with the peerage: Baron is alike the earliest and least elevated of its divisions. This continual degradation of all names of honour has, from time to time, made it requisite to introduce new ones having the distinguishing effects which the originals had lost by generality of use; just as our habit of misapplying superlatives has, by gradually destroying their force, entailed the need for fresh ones. And if, within the last thousand years, this process has worked results thus marked, we may readily conceive how, during previous thousands, the titles of gods and demi-gods came to be used to all persons exercising power; as they have since come to be used to persons of respectability.

If from names of honour we turn to phrases of honour, we find similar facts. The oriental styles of address, applied to ordinary people—"I am your slave," "All I have is yours," "I am your sacrifice"—attribute to the individual spoken to the same greatness that *Monsieur* and *My Lord* do: they ascribe to him the character of an all-

powerful ruler, so immeasurably superior to the speaker as to be his owner. So, likewise, with the Polish expressions of respect—"I throw myself under your feet," "I kiss your feet." In our now meaningless subscription to a formal letter—"Your most obedient servant"—the same thing is visible. Nay, even in the familiar signature "Yours faithfully," the "yours," if interpreted as originally meant, is the expression of a slave to his master. All these dead forms were once living embodiments of fact; were primarily the genuine indications of that submission to authority which they verbally assert; were afterwards naturally used by the weak and cowardly to propitiate those above them; gradually grew to be considered the due of such; and, by a continually wider misuse, have lost their meanings, as *Sir* and *Master* have done. That, like titles, they were in the beginning used only to the God-king, is indicated by the fact that, like titles, they were subsequently used in common to God and the king. Religious worship has ever largely consisted of professions of obedience, of being God's servants, of belonging to him to do what he will with. Like titles, therefore, these common phrases of honour had a devotional origin. Perhaps, however, it is in the use of the word *you* as a singular pronoun that the popularizing of what were once supreme distinctions is most markedly illustrated. This addressing of a single individual in the plural, was originally an honour given only to the highest—was the reciprocal of the imperial "we" assumed by such. Yet now, by being applied to successively lower and lower classes, it has become all but universal. Only by one sect of Christians, and in a few secluded districts, is the primitive *thou* still used. And the *you*, in becoming common to all ranks, has simultaneously lost every vestige of the distinction once attaching to it.

But the genesis of Manners out of forms of allegiance and worship, is above all shown in modes of salutation. Note first the significance of the word. Among the Romans, the

*salutatio* was a daily homage paid by clients and inferiors to their superiors. This was alike the case with civilians and in the army. The very derivation of our word, therefore, is suggestive of submission. Passing to particular forms of obeisance (mark the word again), let us begin with the Eastern one of baring the feet. This was, primarily, a mark of reverence, alike to a god and a king. The act of Moses before the burning bush, and the practice of Mahometans, who are sworn on the Koran with their shoes off, exemplify the one employment of it; the custom of the Persians, who remove their shoes on entering the presence of their monarch, exemplifies the other. As usual, however, this homage, paid next to inferior rulers, has descended from grade to grade. In India it is a common mark of respect; the lower orders of Turks never enter the presence of their superiors but in their stockings; and in Japan, this baring of the feet is an ordinary salutation of man to man. Take another case. Selden, describing the ceremonies of the Romans, says:—"For whereas it was usuall either to kiss the Images of their Gods, or, adoring them, to stand somewhat off before them, solemnly moving the right hand to the lips, and then, casting it as if they had cast kisses, to turne the body on the same hand (which was the right forme of Adoration), it grew also by custom, first that the Emperors, being next to Deities, and by some accounted as Deities, had the like done to them in acknowledgment of their Greatness." If, now, we call to mind the awkward salute of a village school-boy, made by putting his open hand up to his face and describing a semicircle with his forearm; and if we remember that the salute thus used as a form of reverence in country districts, is most likely a remnant of the feudal times; we shall see reason for thinking that our common wave of the hand to a friend across the street, represents what was primarily a devotional act.

Similarly have originated all forms of respect depending

upon inclinations of the body. Entire prostration is the aboriginal sign of submission. The passage of Scripture—"Thou hast put all under his feet," and that other one, so suggestive in its anthropomorphism—"The Lord said unto my Lord, sit thou at my right hand, until I make thine enemies thy footstool," imply, what the Assyrian sculptures bear out, that it was the practice of the ancient god-kings of the East to trample on the conquered. As there are existing savages who signify submission by placing the neck under the foot of the person submitted to, it becomes obvious that all prostration, especially when accompanied by kissing the foot, expressed a willingness to be trodden upon—was an attempt to mitigate wrath by saying, in signs, "Tread on me if you will." Remembering, too, that kissing the foot, as of the Pope and of a saint's statue, still continues in Europe to be a mark of extreme reverence; that prostration to feudal lords was once general, and that its disappearance must have taken place, not abruptly, but by gradual change into something else; we have ground for deriving from these deepest of humiliations all inclinations of respect: especially as the transition is traceable. The reverence of a Russian serf, who bends his head to the ground, and the salaam of the Hindoo, are abridged prostrations; a bow is a short salaam; a nod is a short bow. Should any hesitate to admit this conclusion, then perhaps, on being reminded that the lowest of these obeisances are common where the submission is most abject; that among ourselves the profundity of the bow marks the amount of respect; and lastly, that the bow is even now used devotionally in our churches—by Catholics to their altars, and by Protestants at the name of Christ—they will see sufficient reason for thinking that this salutation also was originally worship.

The same may be said, too, of the curtsy, or courtesy, as it is otherwise written. Its derivation from *courtoisie*, courteousness, that is, behaviour like that at court, at once

shows that it was primarily the reverence paid to a monarch. And if we call to mind that falling on the knees, or on one knee, has been a common obeisance of subjects to rulers; that in ancient manuscripts and tapestries, servants are depicted as assuming this attitude while offering the dishes to their masters at table; and that this same attitude is assumed towards our own queen at every presentation; we may infer, what the character of the curtsy itself suggests, that it is an abridged act of kneeling. As the word has been contracted from *courtoisie* into curtsy; so the motion has been contracted from a placing of the knee on the floor, to a lowering of the knee towards the floor. Moreover, when we compare the curtsy of a lady with the awkward one a peasant girl makes, which, if continued, would bring her down on both knees, we may see in this last a remnant of that greater reverence required of serfs. And when, from considering that simple kneeling of the West, still represented by the curtsy, we pass Eastward, and note the attitude of the Mahommedan worshipper, who not only kneels but bows his head to the ground, we may infer that the curtsy also, is an evanescent form of the aboriginal prostration. In further evidence of this it may be remarked, that there has but recently disappeared from the salutations of men, an action having the same proximate derivation with the curtsy. That backward sweep of the right foot with which the conventional stage-sailor accompanies his bow—a movement which prevailed generally in past generations, when "a bow and a scrape" went together, and which, within the memory of living persons, was made by boys to their master when entering school, with the effect of wearing a hole in the floor—is pretty clearly a preliminary to going on one knee. A motion so ungainly could never have been intentionally introduced; even if the artificial introduction of obeisances were possible. Hence we must regard it as the remnant of something antecedent: and

that this something antecedent was humiliating may be inferred from the phrase, "scraping an acquaintance;" which, being used to denote the gaining of favour by obsequiousness, implies that the scrape was considered a mark of servility—that is, of servile position.

Consider, again, the uncovering of the head. Almost everywhere this has been a sign of reverence, alike in temples and before potentates; and it yet preserves among us some of its original meaning. Whether it rains, hails, or shines, you must keep your head bare while speaking to the monarch; and no one may keep his hat on in a place of worship. As usual, however, this ceremony, at first a submission to gods and kings, has become in process of time a common civility. Once an acknowledgment of another's unlimited supremacy, the removal of the hat is now a salute accorded to very ordinary persons; and that uncovering originally reserved for entrance into "the house of God" or the residence of the ruler, good manners now dictates on entrance into a labourer's cottage.

Standing, too, as a mark of respect, has undergone like extensions in its application. Shown, by the practice in our churches, to be intermediate between the humiliation signified by kneeling and the self-respect which sitting implies, and used at courts as a form of homage when more active demonstrations of it have been made, this posture is now employed in daily life to show consideration; as seen alike in the attitude of a servant before a master, and in that rising which politeness prescribes on the entrance of a visitor.

Many other threads of evidence might have been woven into our argument. As, for example, the significant fact, that if we trace back our still existing law of primogeniture —if we consider it as displayed by Scottish clans, in which not only ownership but government devolved from the beginning on the eldest son of the eldest—if we look further back, and observe that the old titles of lordship,

*Signor, Seigneur, Señor, Sire, Sieur,* all originally mean senior, or elder—if we go Eastward, and find that *Sheick* has a like derivation, and that the Oriental names for priests, as *Pir,* for instance, are literally interpreted *old man*—if we note in Hebrew records how far back dates the ascribed superiority of the first-born, how great the authority of elders, and how sacred the memory of patriarchs—and if, then, we remember that among divine titles are "Ancient of Days," and "Father of Gods and men;"—we see how completely these facts harmonize with the hypothesis, that the aboriginal god is the first man sufficiently great to become a tradition, the earliest whose power and deeds made him remembered; that hence antiquity unavoidably became associated with superiority, and age with nearness in blood to "the powerful one;" that so there naturally arose that domination of the eldest which characterizes the history of all the higher races, and that theory of human degeneracy which even yet survives. We might further dwell on the facts, that *Lord* signifies high-born, or, as the same root gives a word meaning heaven, possibly heaven-born; that, before it became common, *Sir* or *Sire,* as well as *Father,* was the distinction of a priest; that *worship,* originally worth-ship—a term of respect that has been used commonly, as well as to magistrates—is also our term for the act of attributing greatness or worth to the Deity; so that to ascribe worth-ship to a man is to worship him. We might make much of the evidence that all early governments are more or less distinctly theocratic; and that among ancient Eastern nations even the commonest forms and customs had religious sanctions. We might enforce our argument respecting the derivation of ceremonies, by tracing out the aboriginal obeisance made by putting dust on the head, which symbolizes putting the head in the dust; by affiliating the practice found in certain tribes, of doing another honour by presenting him with a portion of hair torn from the head—an act which

seems tantamount to saying, "I am your slave;" by investigating the Oriental custom of giving to a visitor any object he speaks of admiringly, which is pretty clearly a carrying out of the compliment, "All I have is yours."

Without enlarging, however, on these and minor facts, we venture to think that the evidence assigned is sufficient. Had the proofs been few, or of one kind, little faith could have been placed in the inference. But numerous as they are, alike in the case of titles, in that of complimentary phrases, and in that of salutes—similar and simultaneous, too, as the process of depreciation has been in all of these; the evidences become strong by mutual confirmation. And when we recollect, also, that not only have the results of this process been visible in various nations and in all times, but that they are occurring among ourselves at the present moment, and that the causes assigned for previous depreciations may be seen daily working out others — when we recollect this, it becomes scarcely possible to doubt that the process has been as alleged; and that our ordinary words, acts, and phrases of civility originally expressed submission to another's omnipotence.

Thus the general doctrine, that all kinds of government exercised over men were at first one government—that the political, the religious, and the ceremonial forms of control are divergent branches of a general and once indivisible control—begins to look tenable. When, with the above facts fresh in mind, we read that in Eastern traditions Nimrod, among others, figures in all the characters of hero, king, and divinity—when we turn to the sculptures exhumed by Mr. Layard, and contemplating in them the effigies of kings driving over enemies, and adored by prostrate slaves, then observe how their actions correspond to the primitive names for gods, "the strong," "the destroyer," "the powerful one"—and when, lastly, we discover that among races of men still living, there are current super-

stitions analogous to those which old records and old buildings indicate; we begin to realize the probability of the hypothesis that has been set forth. Representing to ourselves the conquering chief as figured in ancient myths, and poems, and ruins; we may see that all rules of conduct spring from his will. Alike legislator and judge, quarrels among his subjects are decided by him; and his words become the Law. Awe of him is the incipient Religion; and his maxims furnish his first precepts. Submission is made to him in the forms he prescribes; and these give birth to Manners. From the first, time developes political allegiance and the administration of justice; from the second, the worship of a being whose personality becomes ever more vague, and the inculcation of precepts ever more abstract; from the third, forms and names of honour and the rules of etiquette. In conformity with the law of evolution of all organized bodies, that general functions are gradually separated into the special functions constituting them, there have grown up in the social organism for the better performance of the governmental office, an apparatus of law-courts, judges, and barristers; a national church, with its bishops and priests; and a system of caste, titles, and ceremonies, administered by society at large. By the first, overt aggressions are cognized and punished; by the second, the disposition to commit such aggressions is in some degree checked; by the third, those minor breaches of good conduct which the others do not notice, are denounced and chastised. Law and Religion control behaviour in its essentials; Manners control it in its details. For regulating those daily actions which are too numerous and too unimportant to be officially directed there comes into play this subtler set of restraints. And when we consider what these restraints are—when we analyze the words, and phrases, and movements employed, we see that in origin as in effect, the system is a setting up of temporary

governments between all men who come in contact, for the purpose of better managing the intercourse between them.

From the proposition, that these several kinds of government are essentially one, both in genesis and function, may be deduced several important corollaries, directly bearing on our special topic.

Let us first notice, that there is not only a common origin and office for all forms of rule, but a common necessity for them. The aboriginal man, coming fresh from the killing of bears and from lying in ambush for his enemy, has, by the necessities of his condition, a nature requiring to be curbed in its every impulse. Alike in war and in the chase, his daily discipline has been that of sacrificing other creatures to his own needs and passions. His character, bequeathed to him by ancestors who led similar lives, is moulded by this discipline—is fitted to this existence. The unlimited selfishness, the love of inflicting pain, the blood-thirstiness, thus kept active, he brings with him into the social state. These dispositions put him in constant danger of conflict with his equally savage neighbour. In small things as in great, in words as in deeds, he is aggressive; and is hourly liable to the aggressions of others like natured. Only, therefore, by rigorous control exercised over all actions, can the primitive unions of men be maintained. There must be a ruler strong, remorseless, and of indomitable will; there must be a creed terrible in its threats to the disobedient; there must be servile submission of inferiors to superiors. The law must be cruel; the religion must be stern; the ceremonies must be strict. The co-ordinate necessity for these several kinds of restraint might be largely illustrated from history were there space. Suffice it to point out that where the civil power has been weak, the multiplication of thieves, assassins, and banditti, has indicated the approach of social dissolution; that when,

from the corruptness of its ministry, religion has lost its influence, as it did just before the Flagellants appeared, the State has been endangered; and that the disregard of established social observances has ever been an accompaniment of political revolutions. Whoever doubts the necessity for a government of manners proportionate in strength to the co-existing political and religious governments, will be convinced on calling to mind that until recently even elaborate codes of behaviour failed to keep gentlemen from quarrelling in the streets and fighting duels in taverns; and on remembering that even now people exhibit at the doors of a theatre, where there is no ceremonial law to rule them, an aggressiveness which would produce confusion if carried into social intercourse.

As might be expected, we find that, having a common origin and like general functions, these several controlling agencies act during each era with similar degrees of vigour. Under the Chinese despotism, stringent and multitudinous in its edicts and harsh in the enforcement of them, and associated with which there is an equally stern domestic despotism exercised by the eldest surviving male of the family, there exists a system of observances alike complicated and rigid. There is a tribunal of ceremonies. Previous to presentation at court, ambassadors pass many days in practising the required forms. Social intercourse is cumbered by endless compliments and obeisances. Class distinctions are strongly marked by badges. And if there wants a definite measure of the respect paid to social ordinances, we have it in the torture to which ladies submit in having their feet crushed. In India, and indeed throughout the East, there exists a like connexion between the pitiless tyranny of rulers, the dread terrors of immemorial creeds, and the rigid restraint of unchangeable customs. Caste regulations continue still unalterable; the fashions of clothes and furniture have remained the same for ages; suttees are so ancient as to be mentioned by Strabo and

Diodorus Siculus; justice is still administered at the palace-gates as of old; in short, "every usage is a precept of religion and a maxim of jurisprudence." A similar relationship of phenomena was exhibited in Europe during the Middle Ages. While its governments, general and local, were despotic, while the Church was unshorn of its power, while the criminal code was full of horrors and the hell of the popular creed full of terrors, the rules of behaviour were both more numerous and more carefully conformed to than now. Differences of dress marked divisions of rank. Men were limited by law to certain widths of shoe-toes; and no one below a specified degree might wear a cloak less than so many inches long. The symbols on banners and shields were carefully attended to. Heraldry was an important branch of knowledge. Precedence was strictly insisted on. And those various salutes of which we now use the abridgments, were gone through in full. Even during our own last century, with its corrupt House of Commons and little-curbed monarchs, we may mark a correspondence of social formalities. Gentlemen were still distinguished from lower classes by dress; and children addressed their parents as *Sir* and *Madam*.

A further corollary naturally following this last, and almost, indeed, forming part of it, is, that these several kinds of government decrease in stringency at the same rate. Simultaneously with the decline in the influence of priesthoods, and in the fear of eternal torments—simultaneously with the mitigation of political tyranny, the growth of popular power, and the amelioration of criminal codes; has taken place that diminution of formalities and that fading of distinctive marks, now so observable. Looking at home, we may note that there is less attention to precedence than there used to be. No one in our day ends an interview with the phrase "your humble servant." The employment of the word *Sir*, once general in social intercourse, is at present considered bad breeding; and on the occasions

calling for them, it is held vulgar to use the words "Your Majesty," or "Your Royal Highness," more than once in a conversation. People no longer formally drink one another's healths; and even the taking wine with one another at dinner has ceased to be fashionable. It is remarked of us by foreigners, that we take off our hats less than any other nation in Europe—a remark which should be coupled with the other, that we are the freest nation in Europe. As already implied, this association of facts is not accidental. These modes of address and titles and obeisances, bearing about them, as they all do, something of that servility which marks their origin, become distasteful in proportion as men become more independent themselves, and sympathize more with the independence of others. The feeling which makes the modern gentleman tell the labourer standing bareheaded before him to put on his hat —the feeling which gives us a dislike to those who cringe and fawn—the feeling which makes us alike assert our own dignity and respect that of others—the feeling which thus leads us more and more to discountenance forms and names which confess inferiority and submission; is the same feeling which resists despotic power and inaugurates popular government, denies the authority of the Church and establishes the right of private judgment.

A fourth fact, akin to the foregoing, is, that with decreasing coerciveness in these several kinds of government, their respective forms lose their meanings. The same process which has made our monarch put forth as his own acts what are the acts of ministers approved by the people, and has thus changed him from master into agent—the same process which, making attendance at church very much a matter of respectability, has done away with the telling of beads, the calling on saints, and the performance of penances; is a process by which titles and ceremonies that once had a meaning and a power have been reduced to empty forms. Coats of arms which served to distinguish

men in battle, now figure on the carriage panels of retired merchants. Once a badge of high military rank, the shoulder-knot has become, on the modern footman, a mark of servitude. The name Banneret, which originally marked a partially-created Baron—a Baron who had passed his military "little go"—is now, under the modification of Baronet, applicable to any one favoured by wealth or interest or party feeling. Knighthood has so far ceased to be an honour, that men honour themselves by declining it. The military dignity *Escuyer* has, in the modern Esquire, become a wholly unmilitary affix.

But perhaps it is in that class of social observances comprehended under the term Fashion (which we must here discuss parenthetically) that this process is seen with the greatest distinctness. As contrasted with Manners, which dictate our minor acts in relation to other persons, Fashion dictates our minor acts in relation to ourselves. While the one prescribes that part of our deportment which directly affects our neighbours; the other prescribes that part of our deportment which is primarily personal, and in which our neighbours are concerned only as spectators. Thus distinguished as they are, however, the two have a common source. For while, as we have shown, Manners originate by imitation of the behaviour pursued *towards* the great; Fashion originates by imitation of the behaviour *of* the great. While the one has its derivation in the titles, phrases, and salutes used *to* those in power; the other is derived from the habits and appearances exhibited *by* those in power. The Carrib mother who squeezes her child's head into a shape like that of the chief; the young savage who makes marks on himself similar to the scars carried by the warriors of his tribe; the Highlander who adopts the plaid worn by the head of his clan; the courtiers who affect greyness, or limp, or cover their necks, in imitation of their king, and the people who ape the courtiers; are alike acting under a kind of government connate with that of Manners,

and, like it too, primarily beneficial. For notwithstanding the numberless absurdities into which this copying has led people, from nose-rings to ear-rings, from painted faces to beauty-spots, from shaven heads to powdered wigs, from filed teeth and stained nails to bell-girdles, peaked shoes, and breeches stuffed with bran, it must yet be concluded that as the men of will, intelligence, and originality, who have got to the top, are, on the average, more likely to show judgment in their habits and tastes than the mass, the imitation of such is advantageous. By and by, however, Fashion, decaying like these other forms of rule, almost wholly ceases to be an imitation of the best, and becomes an imitation of quite other than the best. As those who take orders are not those having a special fitness for the priestly office, but those who hope to get livings; as legislators and public functionaries do not become such by virtue of their political insight and power to rule, but by virtue of birth, acreage, and class influence; so, the self-elected clique who set the fashion, do this, not by force of nature, by intellect, by higher worth or better taste, but solely by unchecked assumption. Among the initiated are to be found neither the noblest in rank, the chief in power, the best cultured, the most refined, nor those of greatest genius, wit, or beauty; and their reunions, so far from being superior to others, are noted for their inanity. Yet, by the example of these sham great, and not by that of the truly great, does society at large now regulate its habits, its dress, its small usages. As a natural consequence, these have generally little of that suitableness which the theory of fashion implies they should have. Instead of a progress towards greater elegance and convenience, which might be expected to occur did people copy the ways of the really best, or follow their own ideas of propriety, we have a reign of mere whim, of unreason, of change for the sake of change, of wanton oscillations from either extreme to the other. And so life *à la mode*, instead of being life conducted in the

most rational manner, is life regulated by spendthrifts and idlers, milliners and tailors, dandies and silly women.

To these several corollaries—that the various orders of control exercised over men have a common origin and a common function, are called out by co-ordinate necessities and co-exist in like stringency, decline together and decay together—it now only remains to add that they simultaneously become less needful. The social discipline which has already wrought out great changes in men, must go on eventually to work out greater ones. That daily curbing of the lower nature and culture of the higher, which out of cannibals and devil-worshippers has evolved philanthropists, lovers of peace, and haters of superstition, may be expected to evolve out of these, men as much superior to them as they are to their progenitors. The causes that have produced past modifications are still in action; must continue in action as long as there exists any incongruity between men's desires and the requirements of the social state; and must eventually make them organically fit for the social state. As it is now needless to forbid man-eating, so will it ultimately become needless to forbid murder, theft, and the minor offences of our criminal code. Along with growth of human nature into harmony with the moral law, there will go decreasing need for judges and statute-books; when the right course has become the course spontaneously chosen, prospects of future reward or punishment will not be wanted as incentives; and when due regard for others has become instinctive, there will need no code of ceremonies to say how behaviour shall be regulated.

Thus, then, may be recognized the meaning of those eccentricities of reformers which we set out by describing. They are not accidental; they are not mere personal caprices. They are inevitable results of the law of relationship above illustrated. That community of genesis, function,

and decay which all forms of restraint exhibit, is simply the obverse of the fact at first pointed out, that they have in two sentiments of human nature a common preserver and a common destroyer. Awe of power originates and cherishes them all; love of freedom undermines and weakens them all. The one defends despotism and asserts the supremacy of laws, adheres to old creeds and supports ecclesiastical authority, pays respect to titles and conserves forms; the other, putting rectitude above legality, achieves periodical instalments of political liberty, inaugurates Protestantism and works out its consequences, ignores the senseless dictates of Fashion and emancipates men from dead customs. To the true reformer no institution is sacred, no belief above criticism. Everything shall conform itself to equity and reason; nothing shall be saved by its prestige. Conceding to each man liberty to pursue his own ends and satisfy his own tastes, he demands for himself like liberty; and consents to no restrictions on this, save those which other men's equal claims involve. No matter whether it be an ordinance of one man, or an ordinance of all men, if it trenches on his legitimate sphere of action, he denies its validity. The tyranny that would impose on him a particular style of dress and a set mode of behaviour, he resists equally with the tyranny that would limit his buyings and sellings, or dictate his creed. Whether the regulation be formally made by a legislature, or informally made by society at large—whether the penalty for disobedience be imprisonment, or frowns and social ostracism, he sees to be a question of no moment. He will utter his belief notwithstanding the threatened punishment; he will break conventions spite of the petty persecutions that will be visited on him. Show him that his actions are inimical to his fellow-men, and he will pause. Prove that he is disregarding their legitimate claims, and he will alter his course. But until you do this—until you demonstrate that his proceedings are essentially inconvenient or

inelegant, essentially irrational, unjust, or ungenerous, he will persevere.

Some, indeed, argue that his conduct *is* unjust and ungenerous. They say that he has no right to annoy other people by his whims; that the gentleman to whom his letter comes with no "Esq." appended to the address, and the lady whose evening party he enters with gloveless hands, are vexed at what they consider his want of respect or want of breeding; that thus his eccentricities cannot be indulged save at the expense of his neighbours' feelings; and that hence his nonconformity is in plain terms selfishness.

He answers that this position, if logically developed, would deprive men of all liberty whatever. Each must conform all his acts to the public taste, and not his own. The public taste on every point having been once ascertained, men's habits must thenceforth remain for ever fixed; seeing that no man can adopt other habits without sinning against the public taste, and giving people disagreeable feelings. Consequently, be it an era of pig-tails or high-heeled shoes, of starched ruffs or trunk-hose, all must continue to wear pig-tails, high-heeled shoes, starched ruffs, or trunk-hose to the crack of doom.

If it be still urged that he is not justified in breaking through others' forms that he may establish his own, and so sacrificing the wishes of many to the wishes of one, he replies that all religious and political changes might be negatived on like grounds. He asks whether Luther's sayings and doings were not extremely offensive to the mass of his cotemporaries; whether the resistance of Hampden was not disgusting to the time-servers around him; whether every reformer has not shocked men's prejudices and given immense displeasure by the opinions he uttered. The affirmative answer he follows up by demanding what right the reformer has, then, to utter these opinions—whether he is not sacrificing the feelings

of many to the feelings of one; and so he proves that, to be consistent, his antagonists must condemn not only all nonconformity in actions, but all nonconformity in beliefs.

His antagonists rejoin that *his* position, too, may be pushed to an absurdity. They argue that if a man may offend by the disregard of some forms, he may as legitimately do so by the disregard of all; and they inquire—Why should he not go out to dinner in a dirty shirt, and with an unshorn chin? Why should he not spit on the drawing-room carpet, and stretch his heels up to the mantle-shelf?

The convention-breaker answers, that to ask this, implies a confounding of two widely-different classes of actions—the actions which are *essentially* displeasurable to those around, with the actions which are but *incidentally* displeasurable to them. He whose skin is so unclean as to offend the nostrils of his neighbours, or he who talks so loudly as to disturb a whole room, may be justly complained of, and rightly excluded by society from its assemblies. But he who presents himself in a surtout in place of a dress-coat, or in brown trousers instead of black, gives offence not to men's senses, or their innate tastes, but merely to their bigotry of convention. It cannot be said that his costume is less elegant or less intrinsically appropriate than the one prescribed; seeing that a few hours earlier in the day it is admired. It is the implied rebellion, therefore, which annoys. How little the cause of quarrel has to do with the dress itself, is seen in the fact that a century ago black clothes would have been thought preposterous for hours of recreation, and that a few years hence some now forbidden style may be nearer the requirements of Fashion than the present one. Thus the reformer explains that it is not against the natural restraints, but against the artificial ones, that he protests; and that manifestly the fire of angry glances which he has to bear,

is poured upon him because he will not bow down to the idol which society has set up.

Should he be asked how we are to distinguish between conduct which is in itself disagreeable to others, and conduct which is disagreeable by its implication, he answers, that they will distinguish themselves, if men will let them. Actions intrinsically repugnant will ever be frowned upon, and must ever remain as exceptional as now. Actions not intrinsically repugnant will establish themselves as proper. No relaxation of customs will introduce the practice of going to a party in muddy boots, and with unwashed hands; for the dislike of dirt would continue were Fashion abolished to-morrow. That love of approbation which now makes people solicitous to be *en règle* would still exist—would still make them careful of their personal appearance—would still induce them to seek admiration by making themselves ornamental—would still cause them to respect the natural laws of good behaviour, as they now do the artificial laws. The change would simply be from a repulsive monotony to a picturesque variety. And if there be any regulations respecting which it is uncertain whether they are based on reality or on convention, experiment will soon decide, if due scope be allowed.

When at length the controversy comes round, as controversies often do, to the point whence it started, and the "party of order" repeat their charge against the rebel, that he is sacrificing the feelings of others to gratify his own wilfulness, he replies once for all that they cheat themselves by mis-statements. He accuses them of being so despotic, that, not content with being masters over their own ways and habits, they would be masters over his also; and grumble because he will not let them. He merely asks the same freedom which they exercise; they, however, propose to regulate his course as well as their own—to cut and clip his mode of life into

agreement with their approved pattern; and then charge him with wilfulness and selfishness, because he does not quietly submit! He warns them that he shall resist, nevertheless; and that he shall do so, not only for the assertion of his own independence, but for their good. He tells them that they are slaves, and know it not; that they are shackled, and kiss their chains; that they have lived all their days in prison, and complain because the walls are being broken down. He says he must persevere, however, with a view to his own release; and, in spite of their present expostulations, he prophesies that when they have recovered from the fright which the prospect of freedom produces, they will thank him for aiding in their emancipation.

Unamiable as seems this find-fault mood, offensive as is this defiant attitude, we must beware of overlooking the truths enunciated, in dislike of the advocacy. It is an unfortunate hindrance to all innovation, that in virtue of their very function, the innovators stand in a position of antagonism; and the disagreeable manners, and sayings, and doings, which this antagonism generates, are commonly associated with the doctrines promulgated. Quite forgetting that whether the thing attacked be good or bad, the combative spirit is necessarily repulsive; and quite forgetting that the toleration of abuses seems amiable merely from its passivity; the mass of men contract a bias against advanced views, and in favour of stationary ones, from intercourse with their respective adherents. "Conservatism," as Emerson says, "is debonnair and social; reform is individual and imperious." And this remains true, however vicious the system conserved, however righteous the reform to be effected. Nay, the indignation of the purists is usually extreme in proportion as the evils to be got rid of are great. The more urgent the required change, the more intemperate is the vehemence of its promoters. Let no one, then, confound with the principles

of this social nonconformity the acerbity and the disagreeable self-assertion of those who first display it.

The most plausible objection raised against resistance to conventions, is grounded on its impolicy, considered even from the progressist's point of view. It is urged by many of the more liberal and intelligent—usually those who have themselves shown some independence of behaviour in earlier days—that to rebel in these small matters is to destroy your own power of helping on reform in greater matters. "If you show yourself eccentric in manners or dress, the world," they say, "will not listen to you. You will be considered as crotchety, and impracticable. The opinions you express on important subjects, which might have been treated with respect had you conformed on minor points, will now inevitably be put down among your singularities; and thus, by dissenting in trifles, you disable yourself from spreading dissent in essentials."

Only noting, as we pass, that this is one of those anticipations which bring about their own fulfilment—that it is because most who disapprove these conventions do not show their disapproval, that the few who do show it look eccentric—and that did all act out their convictions, no such argument as the above would have force;—noting this as we pass, we go on to reply that these social restraints are not small evils but among the greatest. Estimate their sum total, and we doubt whether they would not exceed most others. Could we add up the trouble, the cost, the jealousies, vexations, misunderstandings, the loss of time and the loss of pleasure, which these conventions entail—we should perhaps come to the conclusion that the tyranny of Mrs. Grundy is worse than any other tyranny. Let us look at a few of its hurtful results; beginning with those of minor importance.

It produces extravagance. The desire to be *comme il faut*, which underlies all conformities, whether of manners,

dress, or styles of entertainment, is the desire which makes many a spendthrift and many a bankrupt. To "keep up appearances," to have a house in an approved quarter furnished in the latest taste, to give expensive dinners and crowded *soirées*, is an ambition forming the natural outcome of the conformist spirit. It is needless to enlarge on these follies: they have been satirized by hosts of writers, and in every drawing-room. All which here concerns us, is to point out that the respect for social observances, which men think so praiseworthy, has the same root with this effort to be fashionable in mode of living; and that, other things equal, the last cannot be diminished without the first being diminished also. If, now, we consider what this extravagance entails—if we count up the robbed tradesmen, the stinted governesses, the ill-educated children, the fleeced relatives, who have to suffer from it—if we mark the anxiety and the many moral delinquencies which its perpetrators involve themselves in; we shall see that this regard for conventions is not quite so innocent as it looks.

Again, it decreases the amount of social intercourse. Passing over the reckless, and those who make a great display on speculation with the occasional result of getting on in the world to the exclusion of better men, we come to the far larger class who, being prudent and honest enough not to exceed their means, and yet wishing to be "respectable," are obliged to limit their entertainments to the smallest possible number; and that each of these may be turned to the greatest advantage in meeting the claims on their hospitality, issue their invitations with little or no regard to the comfort or mutual fitness of their guests. A few inconveniently-large assemblies, made up of people mostly strange to each other or but distantly acquainted, are made to serve in place of many small parties of friends intimate enough to have some bond of sympathy. Thus the quantity of intercourse is diminished, and the quality deteriorated. Because it is the custom to make costly

preparations and provide costly refreshments; and because it entails both less expense and less trouble to do this for many persons on few occasions than for few persons on many occasions; the reunions of our less wealthy classes are rendered alike infrequent and tedious.

Let it be further observed, that the existing formalities of social intercourse drive away many who most need its refining influence; and drive them into injurious habits and associations. Not a few men, and not the least sensible men either, give up in disgust this going out to stately dinners and stiff evening-parties; and instead, seek society in clubs, and cigar-divans, and taverns. "I'm sick of this standing about in drawing-rooms, talking nonsense, and trying to look happy," will answer one of them when taxed with his desertion. "Why should I any longer waste time and money, and temper? Once I was ready enough to rush home from the office to dress; I sported embroidered shirts, submitted to tight boots, and cared nothing for tailors' and haberdashers' bills. I know better now. My patience lasted a good while; for though I found each night pass stupidly, I always hoped the next would make amends. But I 'm undeceived. Cab-hire and kid gloves cost more than any evening party pays for; or rather—it is worth the cost of them to avoid the party. No, no; I 'll no more of it. Why should I pay five shillings a time for the privilege of being bored?" If, now, we consider that this very common mood tends towards billiard-rooms, towards long sittings over cigars and brandy-and-water, towards Evans's and the Coal Hole; it becomes a question whether these precise observances which hamper our set meetings, have not to answer for much of the prevalent dissoluteness. Men must have excitements of some kind or other; and if debarred from higher ones will fall back upon lower. It is not that those who thus take to irregular habits are essentially those of low tastes. Often it is quite the reverse. Among half a dozen intimate friends, abandoning for-

malities and sitting at ease round the fire, none will enter with greater enjoyment into the highest kind of social intercourse—the genuine communion of thought and feeling; and if the circle includes women of intelligence and refinement, so much the greater is their pleasure. It is because they will no longer be choked with the mere dry husks of conversation which society offers them, that they fly its assemblies, and seek those with whom they may have discourse that is at least real, though unpolished. The men who thus long for substantial mental sympathy, and will go where they can get it, are often, indeed, much better at the core than the men who are content with the inanities of gloved and scented party-goers—men who feel no need to come morally nearer to their fellow-creatures than they can come while standing, tea-cup in hand, answering trifles with trifles; and who, by feeling no such need, prove themselves shallow-thoughted and cold-hearted. It is true, that some who shun drawing-rooms do so from inability to bear the restraints prescribed by a genuine refinement, and that they would be greatly improved by being kept under these restraints. But it is not less true that, by adding to the legitimate restraints, which are based on convenience and a regard for others, a host of factitious restraints based only on convention, the refining discipline, which would else have been borne with benefit, is rendered unbearable, and so misses its end. Excess of government defeats itself by driving away those to be governed. And if over all who desert its entertainments in disgust either at their emptiness or their formality, society thus loses its salutary influence—if such not only fail to receive that moral culture which the company of ladies, when rationally regulated, would give them, but, in default of other relaxation, are driven into habits and companionships which often end in gambling and drunkenness; must we not say that here, too, is an evil not to be passed over as insignificant?

Then consider what a blighting effect these multi-

tudinous preparations and ceremonies have upon the pleasures they profess to subserve. Who, on calling to mind the occasions of his highest social enjoyments, does not find them to have been wholly informal, perhaps impromptu? How delightful a pic-nic of friends, who forget all observances save those dictated by good nature! How pleasant the unpretending gatherings of small book-societies, and the like; or those purely accidental meetings of a few people well known to each other! Then, indeed, we may see that "a man sharpeneth the countenance of his friend." Cheeks flush, and eyes sparkle. The witty grow brilliant, and even the dull are excited into saying good things. There is an overflow of topics; and the right thought, and the right words to put it in, spring up unsought. Grave alternates with gay: now serious converse, and now jokes, anecdotes, and playful raillery. Everyone's best nature is shown; everyone's best feelings are in pleasurable activity; and, for the time, life seems well worth having. Go now and dress for some half-past eight dinner, or some ten o'clock "at home;" and present yourself in spotless attire, with every hair arranged to perfection. How great the difference! The enjoyment seems in the inverse ratio of the preparation. These figures, got up with such finish and precision, appear but half alive. They have frozen each other by their primness; and your faculties feel the numbing effects of the atmosphere the moment you enter it. All those thoughts, so nimble and so apt awhile since, have disappeared—have suddenly acquired a preternatural power of eluding you. If you venture a remark to your neighbour, there comes a trite rejoinder, and there it ends. No subject you can hit upon outlives half a dozen sentences. Nothing that is said excites any real interest in you; and you feel that all you say is listened to with apathy. By some strange magic, things that usually give pleasure seem to have lost all charm. You have a taste for art. Weary of frivolous

talk, you turn to the table, and find that the book of engravings and the portfolio of photographs are as flat as the conversation. You are fond of music. Yet the singing, good as it is, you hear with utter indifference; and say "Thank you" with a sense of being a profound hypocrite. Wholly at ease though you could be, for your own part, you find that your sympathies will not let you. You see young gentlemen feeling whether their ties are properly adjusted, looking vacantly round, and considering what they shall do next. You see ladies sitting disconsolately, waiting for some one to speak to them, and wishing they had the wherewith to occupy their fingers. You see the hostess standing about the doorway, keeping a factitious smile on her face, and racking her brain to find the requisite nothings with which to greet her guests as they enter. You see numberless traits of weariness and embarrassment; and, if you have any fellow feeling, these cannot fail to produce a sense of discomfort. The disorder is catching; and do what you will, you cannot resist the general infection. You struggle against it; you make spasmodic efforts to be lively; but none of your sallies or your good stories do more than raise a simper or a forced laugh: intellect and feeling are alike asphyxiated. And when, at length, yielding to your disgust, you rush away, how great is the relief when you get into the fresh air, and see the stars! How you "Thank God, that's over!" and half resolve to avoid all such boredom for the future! What, now, is the secret of this perpetual miscarriage and disappointment? Does not the fault lie with these needless adjuncts—these elaborate dressings, these set forms, these expensive preparations, these many devices and arrangements that imply trouble and raise expectation? Who that has lived thirty years in the world has not discovered that Pleasure is coy; and must not be too directly pursued, but must be caught unawares? An air from a street-piano, heard while at work, will often gratify more than the

choicest music played at a concert by the most accomplished musicians. A single good picture seen in a dealer's window, may give keener enjoyment than a whole exhibition gone through with catalogue and pencil. By the time we have got ready our elaborate apparatus by which to secure happiness, the happiness is gone. It is too subtle to be contained in these receivers, garnished with compliments, and fenced round with etiquette. The more we multiply and complicate appliances, the more certain are we to drive it away. The reason is patent enough. These higher emotions to which social intercourse ministers, are of extremely complex nature; they consequently depend for their production upon very numerous conditions; the more numerous the conditions, the greater the liability that one or other of them will not be fulfilled. It takes a considerable misfortune to destroy appetite; but cordial sympathy with those around may be extinguished by a look or a word. Hence it follows, that the more multiplied the *unnecessary* requirements with which social intercourse is surrounded, the less likely are its pleasures to be achieved. It is difficult enough to fulfil continuously all the *essentials* to a pleasurable communion with others: how much more difficult, then, must it be continuously to fulfil a host of *non-essentials* also! What chance is there of getting any genuine response from the lady who is thinking of your stupidity in taking her in to dinner on the wrong arm? How are you likely to have agreeable converse with the gentleman who is fuming internally because he is not placed next to the hostess? Formalities, familiar as they may become, necessarily occupy attention—necessarily multiply the occasions for mistake, misunderstanding, and jealousy, on the part of one or other—necessarily distract all minds from the thoughts and feelings which should occupy them—necessarily, therefore, subvert those conditions under which only any sterling intercourse is to be had.

And this, indeed, is the fatal mischief which these

conventions entail—a mischief to which every other is secondary. They destroy those pleasures which they profess to subserve. All institutions are alike in this, that however useful, and needful even, they originally were, they in the end cease to be so, but often become detrimental. While humanity is growing, they continue fixed; daily get more mechanical and unvital; and by and by tend to strangle what they before preserved. Old forms of government finally grow so oppressive, that they must be thrown off even at the risk of reigns of terror. Old creeds end in being dead formulas, which no longer aid but distort and arrest the general mind; while the State-churches administering them, come to be instruments for subsidizing conservatism and repressing progress. Old schemes of education, incarnated in public schools and colleges, continue filling the heads of new generations with what has become relatively useless knowledge, and, by consequence, excluding knowledge which is useful. Not an organization of any kind—political, religious, literary, philanthropic—but what, by its ever-multiplying regulations, its accumulating wealth, its yearly addition of officers, and the creeping into it of patronage and party feeling, eventually loses its original spirit, and sinks into a lifeless mechanism, worked with a view to private ends—a mechanism which not merely fails of its first purpose, but is a positive hindrance to it. Thus is it, too, with social usages. We read of the Chinese that they have "ponderous ceremonies transmitted from time immemorial," which make social intercourse a burden. The court forms prescribed by monarchs for their own exaltation, have, in all times and places, ended in consuming the comfort of their lives. And so the artificial observances of the dining-room and saloon, in proportion as they are many and strict, extinguish that agreeable communion which they were intended to secure. The dislike with which people commonly speak of society that is "formal," and "stiff," and "ceremonious,"

implies a general recognition of this fact; and this recognition involves the inference that all usages of behaviour which are not based on natural requirements, are injurious. That these conventions defeat their own ends is no new assertion. Swift, criticising the manners of his day, says—"Wise men are often more uneasy at the over-civility of these refiners than they could possibly be in the conversation of peasants and mechanics."

But it is not only in these details that the self-defeating action of our arrangements is traceable; it is traceable in the very substance and nature of them. Our social intercourse, as commonly managed, is a mere semblance of the reality sought. What is it that we want? Some sympathetic converse with our fellow-creatures:—some converse that shall not be mere dead words, but the vehicle of living thoughts and feelings—converse in which the eyes and the face shall speak, and the tones of the voice be full of meaning—converse which shall make us feel no longer alone, but shall draw us closer to others, and double our own emotions by adding their's to them. Who is there that has not, from time to time, felt how cold and flat is all this talk about politics and science, and the new books and the new men, and how a genuine utterance of fellow-feeling outweighs the whole of it? Mark the words of Bacon:—"For a crowd is not company, and faces are but a gallery of pictures, and talk but a tinkling cymbal, where there is no love." If this be true, then it is only after acquaintance has grown into intimacy, and intimacy has ripened into friendship, that the real communion which men need becomes possible. A rationally-formed circle must consist almost wholly of those on terms of familiarity and regard, with but one or two strangers. What folly, then, underlies the whole system of our grand dinners, our "at homes," our evening parties—crowds made up of many who never met before, many who just bow to one another, many who though well known feel mutual indifference, with just a few

real friends lost in the general mass! You need but look round at the artificial expressions of face, to see at once how it is. All have their disguises on; and how can there be sympathy between masks? No wonder that in private every one exclaims against the stupidity of these gatherings. No wonder that hostesses get them up rather because they must than because they wish. No wonder that the invited go less from the expectation of pleasure than from fear of giving offence. The whole thing is an organized disappointment.

And then note, lastly, that in this case, as in others, an organization inoperative for its proper purpose, it is employed for quite other purposes. What is the usual plea put in for giving and attending these tedious assemblies? "I admit that they are dull and frivolous enough," replies every man to your criticisms; "but then, you know, one must keep up one's connexions." And could you get from his wife a sincere answer, it would be—"Like you, I am sick of these formal parties; but then, we must get our daughters married." The one knows that there is a profession to push, a business to extend; or parliamentary influence, or county patronage, or votes, or office, to be got: position, berths, favours, profit. The other's thoughts run upon husbands and settlements, wives and dowries. Worthless for their ostensible purpose of daily bringing human beings into pleasurable relations with each other, these cumbrous appliances of our social intercourse are now perseveringly kept in action with a view to the pecuniary and matrimonial results which they indirectly produce.

Who then shall say that the reform of our system of observances is unimportant? When we see how this system induces fashionable extravagance, with its occasional ruin—when we mark how greatly it limits the amount of social intercourse among the less wealthy classes—when we find that many who most need to be disciplined by mixing

with the refined are driven away by it, and led into bad courses—when we count up the many minor evils it inflicts, the extra work which its costliness entails on all professional and mercantile men, the damage to public taste in dress and decoration by the setting up of its absurdities as standards for imitation, the injury to health indicated in the faces of its devotees at the close of the London season, the mortality of milliners and the like, which its sudden exigencies yearly involve;—and when to all these we add its fatal sin, that it withers up and kills that high enjoyment it professedly ministers to—shall we not conclude that to rationalize etiquette and fashion, is an aim yielding to few in urgency?

There needs, then, a protestantism in social usages. Forms which have ceased to facilitate and have become obstructive—have to be swept away. Signs are not wanting that some change is at hand. A host of satirists, led on by Thackeray, have long been engaged in bringing our sham-festivities, and our fashionable follies, into contempt; and in their candid moods, most men laugh at the frivolities with which they and the world in general are deluded. Ridicule has always been a revolutionary agent. Institutions that have lost their roots in men's respect and faith are doomed; and the day of their dissolution is not far off. The time is approaching, then, when our system of social observances must pass through some crisis, out of which it will come purified and comparatively simple.

How this crisis will be brought about, no one can say. Whether by the continuance and increase of individual protests, or whether by the union of many persons for the practice and diffusion of better usages, the future alone can decide. The influence of dissentients acting without co-operation, seems inadequate. Frowned on by conformists, and expostulated with even by those who secretly sympathize with them; subject to petty persecutions, and

unable to trace any benefit produced by their example; they are apt, one by one, to give up their attempts as hopeless. The young convention-breaker eventually finds that he pays too heavily for his nonconformity. Hating, for example, everything that bears about it any remnant of servility, he determines, in the ardour of his independence, that he will uncover to no one. But what he means simply as a general protest, he finds that ladies interpret into a personal disrespect. In other cases his courage fails him. Such of his unconventionalities as can be attributed only to eccentricity, he has no qualms about; for, on the whole, he feels rather complimented than otherwise in being considered a disregarder of public opinion. But when they are liable to be put down to ignorance, to ill-breeding, or to poverty, he becomes a coward. However clearly the recent innovation of eating some kinds of fish with knife and fork proves the fork-and-bread practice to have had little but caprice for its basis, yet he dares not wholly ignore that practice while fashion partially maintains it.* Though he thinks that a silk handkerchief is quite as appropriate for drawing-room use as a white cambric one, he is not altogether at ease in acting out his opinion. Then, too, he begins to perceive that his resistance to prescription brings round disadvantageous results which he had not calculated upon. He had expected that it would save him from a great deal of social intercourse of a frivolous kind—that it would offend the silly people, but not the sensible people; and so would serve as a self-acting test by which those worth knowing would be separated from those not worth knowing. But the silly people prove to be so greatly in the majority that, by offending them, he closes against himself nearly all the avenues through which the sensible people are to be reached. Thus he finds, that his nonconformity is frequently misinterpreted; that there are but few directions in which he dares

* This was written before the introduction of silver fish-knives.

to carry it consistently out; that the disadvantages it entails are greater than he anticipated; and that the chances of his doing any good are very remote. Hence he gradually loses resolution, and lapses, step by step, into the ordinary routine of observances.

Abortive as individual protests thus generally turn out, it may possibly be that nothing effectual will be done until there arises some organized resistance to this invisible despotism, by which our modes and habits are dictated. It may happen, that the government of Manners and Fashion will be rendered less tyrannical, as the political and religious governments have been, by some antagonistic union. Alike in Church and State, men's first emancipations from excesses of restriction were achieved by numbers, bound together by a common creed or a common political faith. What remained undone while there were but individual schismatics or rebels, was effected when there came to be many acting in concert. It is tolerably clear that these earliest instalments of freedom could not have been obtained in any other way; for so long as the feeling of personal independence was weak and the rule strong, there could never have been a sufficient number of separate dissentients to produce the desired results. Only in these later times, during which the secular and spiritual controls have been growing less coercive, and the tendency towards individual liberty greater, has it become possible for smaller and smaller sects and parties to fight against established creeds and laws; until now men may safely stand even alone in their antagonism. The failure of individual nonconformity to customs, suggests that an analogous series of changes may have to be gone through in this case also. It is true that the *lex non scripta* differs from the *lex scripta* in this, that, being unwritten, it is more readily altered; and that it has, from time to time, been quietly ameliorated. Nevertheless, we shall find that the analogy holds substantially good. For in this case, as

in the others, the essential revolution is not the substituting of any one set of restraints for any other, but the limiting or abolishing the authority which prescribes restraints. Just as the fundamental change inaugurated by the Reformation, was not a superseding of one creed by another, but an ignoring of the arbiter who before dictated creeds—just as the fundamental change which Democracy long ago commenced, was not from this particular law to that, but from the despotism of one to the freedom of all; so, the parallel change yet to be wrought out in this supplementary government of which we are treating, is not the replacing of absurd usages by sensible ones, but the dethronement of that power which now imposes our usages, and the assertion of the rights of individuals to choose their own usages. In rules of living, a West-end clique is our Pope; and we are all papists, with but a mere sprinkling of heretics. On those who decisively rebel, comes down the penalty of excommunication, with its long catalogue of disagreeable and, indeed, serious consequences. The liberty of the subject asserted in our constitution, and ever on the increase, has yet to be wrested from this subtler tyranny. The right of private judgment, which our ancestors wrung from the church, remains to be claimed from this dictator of our habits. Or, as before said, to free us from these idolatries and superstitious conformities, there has still to come a protestantism in social usages. Parallel, therefore, as is the change to be wrought out, it seems not improbable that it may be wrought out in an analogous way. That influence which solitary dissentients fail to gain, and that perseverance which they lack, may come into existence when they unite. That persecution which the world now visits upon them from mistaking their nonconformity for ignorance or disrespect, may diminish when it is seen to result from principle. The penalty which exclusion now entails may disappear when they become numerous enough to form

visiting circles of their own. And when a successful stand has been made, and the brunt of the opposition has passed, that large amount of secret dislike to our observances which now pervades society, may manifest itself with sufficient power to effect the desired emancipation.

Whether such will be the process, time alone can decide. That community of origin, growth, supremacy, and decadence, which we have found among all kinds of government, suggests a community in modes of change also. On the other hand, Nature often performs substantially similar operations, in ways apparently different. Hence these details can never be foretold.

Meanwhile, let us glance at the conclusions that have been reached. On the one side, government, originally one, and afterwards subdivided for the better fulfilment of its function, must be considered as having ever been, in all its branches—political, religious, and ceremonial—beneficial; and, indeed, absolutely necessary. On the other side, government, under all its forms, must be regarded as subserving an office, made needful by the unfitness of aboriginal humanity for social life; and the successive diminutions of its coerciveness in State, in Church, and in Custom, must be looked upon accompanying the increasing adaptation of humanity to its conditions. To complete the conception, there requires to be borne in mind the third fact, that the genesis, the maintenance, and the decline of all governments, however named, are alike brought about by the humanity to be controlled; from which may be drawn the inference that, on the average, restrictions of every kind cannot last much longer than they are wanted, and cannot be destroyed much faster than they ought to be. Society, in all its developments, undergoes the process of exuviation. These old forms which it successively throws off, have all been once vitally united with it—have severally served as the protective envelopes within which a higher humanity

was being evolved. They are cast aside only when they become hindrances—only when some inner and better envelope has been formed; and they bequeath to us all that there was in them of good. The periodical abolitions of tyrannical laws have left the administration of justice not only uninjured, but purified. Dead and buried creeds have not carried with them the essential morality they contained, which still exists, uncontaminated by the sloughs of superstition. And all that there is of justice and kindness and beauty, embodied in our cumbrous forms of etiquette, will live perennially when the forms themselves have been forgotten.

# RAILWAY MORALS AND RAILWAY POLICY.

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Believers in the intrinsic virtues of political forms, might draw an instructive lesson from the politics of our railways. If there needs a conclusive proof that the most carefully-framed constitutions are worthless, unless they be embodiments of the popular character—if there needs a conclusive proof, that governmental arrangements in advance of the time will inevitably lapse into congruity with the time; such proof may be found over and over again repeated in the current history of joint-stock enterprises. As devised by Act of Parliament, the administrations of our public companies are almost purely democratic. The representative system is carried out in them with scarcely a check. Shareholders elect their directors, directors their chairman; there is an annual retirement of a certain proportion of members of the board, giving facilities for superseding them; and, by this means, the whole ruling body may be changed in periods varying from three to five years. Yet, not only are the characteristic vices of our political state reproduced in each of these mercantile corporations—some even in an intenser degree—but the very form of government, while remaining nominally democratic, is substantially so remodelled as to become a miniature of our national constitution. The direction, ceasing to fulfil its theory as a

council formed of members who possess equal powers, falls under the control of some one member of superior cunning, will, or wealth, to whom the majority become so subordinate, that the decision on every question depends on the course he takes. Proprietors, instead of constantly exercising their franchise, allow it to become on all ordinary occasions a dead letter. Retiring directors are so habitually re-elected without opposition, and have so great a power of insuring their own election when opposed, that the board becomes practically a close body; and it is only when the misgovernment grows extreme enough to produce a revolutionary agitation among the shareholders, that any change can be effected. Thus, a mixture of the monarchic, the aristocratic, and the democratic elements, is repeated with such modifications only as the circumstances involve. The modes of action, too, are substantially the same; save in this, that the copy outruns the original. Threats of resignation, which ministries hold out in extreme cases, are commonly made by railway-boards to stave off disagreeable inquiries. By no means regarding themselves as servants of the shareholders, directors rebel against dictation from them; and construe any amendment to their proposals into a vote of want of confidence. At half-yearly meetings, disagreeable criticisms and objections are met by the chairman with the remark, that if the shareholders cannot trust his colleagues and himself, they had better choose others. With most, this assumption of offended dignity tells; and, under fear that the company's interests may suffer from any disturbance, measures quite at variance with the wishes of the proprietary are allowed to be carried. The parallel holds yet further. If it be true of national administrations, that those in power have the support of public *employés;* it is not less true of incorporated companies, that the directors are aided by the officials in their struggles with shareholders. If, in times past, there have been ministries who spent public money to secure party ends; there are, in

times present, railway-boards who use the funds of the shareholders to defeat the shareholders. Nay, even in detail, the similarity is maintained. Like their prototype, joint-stock companies have their expensive election contests, managed by election committees, employing election agents; they have their canvassing with its sundry illegitimate accompaniments; they have their occasional manufacture of fraudulent votes. And, as a general result, that class-legislation, which has been habitually charged against statesmen, is now habitually displayed in the proceedings of these trading associations: constituted though they are on purely representative principles.

These last assertions will surprise not a few. The general public who never see a railway-journal, and who skip the reports of half-yearly meetings which appear in the daily papers, are under the impression that dishonesties like those gigantic ones so notorious during the mania, are no longer committed. They do not forget the doings of stags and stock-jobbers and runaway-directors. They remember how men-of-straw held shares amounting to £100,000, and even £200,000; how numerous directorates were filled by the same persons—one having a seat at twenty-three boards; how subscription-contracts were made up with signatures bought at 10*s* and even 4*s* each, and porters and errand-boys made themselves liable for £30,000 and £40,000 a-piece. They can narrate how boards kept their books in cipher, made false registries, and refrained from recording their proceedings in minute-books; how in one company, half-a-million of capital was put down to unreal names; how in another, directors bought for account more shares than they issued, and so forced up the price; and how in many others, they re-purchased for the company their own shares, paying themselves with the depositors' money. But, though more or less aware of the iniquities which have been practised, the generality think of them solely as the accompaniments

of bubble schemes. More recent enterprises they know to have been *bonâ fide* ones, mostly carried out by old-established companies; and knowing this, they do not suspect that in the getting-up of branch lines and extensions, there are chicaneries near akin to those of Capel Court; and quite as disastrous in their ultimate results. Associating the ideas of wealth and respectability, and habitually using respectability as synonymous with morality, it seems to them incredible that many of the large capitalists and men of station who administer railway affairs, should be guilty of indirectly enriching themselves at the expense of their constituents. True, they occasionally meet with a law-report disclosing some enormous fraud; or read a *Times* leader, characterising directorial acts in terms which are held libellous. But they regard the cases thus brought to light as entirely exceptional; and, under that feeling of loyalty which ever idealises men in authority, they constantly tend towards the conviction, if not that directors can do no wrong, yet that they are very unlikely to do wrong.

A history of railway management and railway intrigue, however, would quickly undeceive them. In such a history, the tricks of projectors and the mysteries of the share-market would occupy less space than the analysis of the multiform dishonesties which have been committed since 1845, and the genesis of that elaborate system of tactics by which companies are betrayed into ruinous undertakings which benefit the few at the cost of the many. Such a history would not only have to detail the doings of the personage famed for "making things pleasant;" nor would it have merely to add the misdeeds of his colleagues; but it would have to describe the kindred corruptness of other railway administrations. From the published report of an investigation-committee, it would be shown how, not many years since, the directors of one of our lines allotted among themselves 15,000 new shares then at a premium in the

market; how to pay the deposits on these shares they used the company's funds; and how one of their number thus accommodated himself in meeting both deposits and calls to the extent of more than £80,000. We should read in it of one railway chairman who, with the secretary's connivance, retained shares exceeding a quarter of a million in amount, intending to claim them as his allotment if they rose to a premium; and who, as they did not do so, left them as unissued shares on the hands of the proprietors, to their vast loss. We should also read in it of directors who made loans to themselves out of the company's floating balances at a low rate of interest, when the market rate was high; and who paid themselves larger salaries than those assigned: entering the difference in an obscure corner of the ledger under the head of "petty disbursements." There would be a description of the manœuvres by which a delinquent board, under impending investigation, gets a favourable committee nominated—"a whitewashing committee." There would be documents showing that the proxies enabling boards to carry contested measures, have in some cases been obtained by garbled statements; and, again, that proxies given for a specified purpose have been used for other purposes. One of our companies would be proved to have projected a line, serving as a feeder, for which it obtained shareholders by offering a guaranteed dividend, which, though understood by the public to be unconditional, was really contingent upon a condition not likely to be fulfilled. The managers of another company would be convicted of having carried party measures by the aid of preference-shares standing in the names of station-masters; and of being aided by the proxies of the secretary's children too young to write.

That the corruptions here glanced at are not exceptional evils, but result from some deep-seated vice in our system of railway-government, is sufficiently proved by the fact, that notwithstanding the falling of railway-dividends pro-

duced by the extension policy, that policy has been year after year continued. Does any tradesman, who, having enlarged his shop, finds a proportionate diminution in his rate of profits, go on, even under the stimulus of competition, making further enlargements at the risk of further diminutions? Does any merchant, however strong his desire to take away an opponent's markets, make successive mortgages on his capital, and pay for each sum thus raised a higher interest than he gains by trading with it? Yet this course, so absurd that no one would insult a private individual by asking him to follow it, is the course which railway-boards, at meeting after meeting, persuade their clients to pursue. Since 1845, when the dividends of our leading lines ranged from 8 to 10 per cent., they have, notwithstanding an ever-growing traffic, fallen from 10 per cent. to 5, from 8 to 4, from 9 to $3\frac{1}{4}$; and yet the system of extensions, leases, and guarantees, notoriously the cause of this, has been year by year persevered in. Is there not something needing explanation here—something more than the world is allowed to see? If there be any one to whom the broad fact of obstinate persistence in unprofitable expenditure does not alone carry the conviction that sinister influences are at work, let him read the seductive statements by which shareholders are led to authorize new projects, and then compare these with the proved results. Let him look at the estimated cost, anticipated traffic, and calculated dividend on some proposed branch line; let him observe how the proprietary before whom the scheme is laid, are induced to approve it as promising a fair return; and then let him contemplate, in the resulting depreciation of stock, the extent of their loss. Is there any avoiding the inference? Railway-shareholders can never have habitually voted for new undertakings which they knew would be injurious to them. Every one knows, however, that these new undertakings have almost uniformly proved injurious to them. Obviously, therefore, railway-shareholders have been

continually deluded by false representations. The only possible escape from this conclusion is in the belief that boards and their officers have been themselves deceived; and were the discrepancies between promises and results occasional only, there would be grounds for this lenient interpretation. But to suppose that a railway-government should repeatedly make such mistakes, and yet gain no wisdom from disastrous experiences—should after a dozen disappointments again mislead half-yearly meetings by bright anticipations into dark realities, and all in good faith — taxes credulity somewhat too far. Even, then, were there no demonstrated iniquities to rouse suspicion, we think that the continuous depreciation in the value of railway-stock, the determined perseverance of boards in the policy which has produced this depreciation, and the proved untruth of the statements by which they have induced shareholders to sanction this policy, would of themselves suffice to show the viciousness of railway-administration.

That the existing evils, and the causes conspiring to produce them, may be better understood, it will be needful to glance at the mode in which the system of extensions grew up. Earliest among the incentives to it was a feeling of rivalry. Even while yet their main lines were unfinished, a contest for supremacy arose between our two greatest companies. This presently generated a confirmed antagonism; and the same impulse which in election contests has sometimes entailed the squandering of a fortune to gain a victory, has largely aided to make each of these great rivals submit to repeated sacrifices rather than be beaten. Feuds of like nature are in other cases perpetually prompting boards to make aggressions on each other's territories—every attack on the one side leading to a reprisal on the other; and so violent is the hostility occasionally produced, that directors might be pointed out whose votes are wholly determined by the desire to be revenged on their opponents.

Among the first methods used by leading companies to strengthen themselves and weaken their competitors, was the leasing or purchase of subordinate neighbouring lines. Of course those to whom overtures were made, obtained bids from both sides; and it naturally resulted that the first sales thus effected, being at prices far above the real values, brought great profits to the sellers. What resulted? A few recurrences of this proceeding, made it clear to quick-witted speculators, that constructing lines so circumstanced as to be bid for by competing companies, would be a lucrative policy. Shareholders who had once pocketed these large and easily-made gains, were eager to repeat the process; and cast about for districts in which it might be done. Even the directors of the companies by whom these high prices were given, were under the temptation to aid in this; for it was manifest to them that by obtaining a larger interest in any such new undertaking than they possessed in the purchasing company, and by using their influence in the purchasing company to obtain a good price or guarantee for the new undertaking, a great advantage would be gained. That this motive has been largely operative, railway history abundantly proves. Once commenced, sundry other influences conspired to stimulate this making of feeders and extensions. The non-closure of capital-accounts rendered possible the "cooking" of dividends, which was at one period carried to a great extent. Expenditure that should have been charged against revenue was charged against capital; works and rolling stock were allowed to go unrepaired, or insufficient additions made to them, by which means the current expenses were rendered delusively small; long-credit agreements with contractors permitted sundry disbursements that had virtually been made, to be kept out of the accounts; and thus the net returns were made to appear greater than they really were. Naturally new undertakings put before the moneyed world by companies whose stock and dividends had been thus artificially raised,

were received with proportionate favour. Under the prestige of their parentage their shares came out at high premiums, bringing large profits to the projectors. The hint was soon taken; and it presently became an established policy, under the auspices of a prosperity either real or mock, to get up these subsidiary lines—"calves," as they were called in the slang of the initiated—and to traffic in the premiums their shares commanded. Meanwhile had been developing, a secondary set of influences which also contributed to foster unwise enterprises; namely, the business interests of the lawyers, engineers, contractors, and others directly or indirectly employed in railway construction. The ways of getting up and carrying new schemes, could not fail, in the course of years, to become familiar to all concerned; and there could not fail to grow up among them a system of concerted tactics for achieving their common end. Thus, partly from the jealousy of rival boards, partly from the greediness of shareholders in purchased lines, partly from the dishonest schemings of directors, partly from the manœuvres of those whose occupation it is to carry out the projects legally authorized, partly, and perhaps mainly, from the delusive appearance of prosperity maintained by many established companies, there came the wild speculations of 1844 and 1845. The consequent disasters, while they pretty well destroyed the last of these incentives, left the rest much as they were. Though the painfully-undeceived public have ceased to aid as they once did, the various private interests that had grown up have since been working together as before—have developed their methods of co-operation into still more complex and subtle forms; and are even now daily thrusting unfortunate shareholders into losing undertakings.

Before proceeding to analyze the existing state of things, however, we would have it clearly understood that we do not suppose those implicated to be *on the average* morally lower than the community at large. Men taken at random

from any class, would, in all probability, behave much in the same way when placed in like positions. There are unquestionably directors grossly dishonest. Unquestionably also there are others whose standard of honour is far higher than that of most persons. And for the remainder, they are, doubtless, as good as the mass. Of the engineers, parliamentary agents, lawyers, contractors, and others concerned, it may be admitted that though custom has induced laxity of principle, yet they would be harshly judged were the transactions which may be recorded against them, used as tests. Those who do not see how in these involved affairs, bad deeds may be wrought out by men not correspondingly bad, will readily do so on considering all the conditions. In the first place, there is the familiar fact that the corporate conscience is inferior to the individual conscience—that a body of men will commit as a joint act, that which each one of them would shrink from, did he feel personally responsible. And it may be remarked that not only is the conduct *of* a corporate body thus comparatively lax, but also the conduct *towards* one. There is ever a more or less distinct perception, that a broad-backed company scarcely feels what would be ruinous to a private person; and this perception is in constant operation on all railway-boards and their *employés*, as well as on all contractors, landowners, and others concerned: leading them to show a want of principle foreign to their general behaviour. Again, the indirectness and remoteness of the evils produced, greatly weaken the restraints on wrong-doing. Men's actions are proximately caused by mental representations of the results to be anticipated; and the decisions come to, largely depend on the vividness with which these results can be imagined. A consequence, good or bad, that is immediate and clearly apprehended, influences conduct far more potently than a consequence that has to be traced through a long chain of actions or influences, and, as eventually reached, is not a particular and

readily conceivable one, but a general and vaguely conceivable one. Hence, in railway affairs, a questionable share-transaction, an exorbitant charge, a proceeding which brings great individual advantage without apparently injuring any one, and which, even if traced to its ultimate results, can but very circuitously affect unknown persons living no one knows where, may be brought home to men who, could the results be embodied before them, would be shocked at the cruel injustices they had committed—men who in their private business, where the results *can* be thus embodied, are sufficiently equitable. Further, it requires to be noted that most of these great delinquencies are ascribable not to the extreme dishonesty of any one man or group of men, but to the combined self-interest of many men and groups of men, whose minor delinquencies are cumulative. Much as a story which, passing from mouth to mouth, and receiving a slight exaggeration at each repetition, comes round to the original narrator in a form scarcely to be recognised; so, by a little improper influence on the part of landowners, a little favouritism on the part of members of Parliament, a little intriguing of lawyers, a little manœuvring by contractors and engineers, a little self-seeking on the part of directors, a little under-statement of estimates and over-statement of traffic, a little magnifying of the evils to be avoided and the benefits to be gained—it happens that shareholders are betrayed into ruinous undertakings by grossly untrue representations, without any one being guilty of more than a small portion of the fraud. Bearing in mind then, the comparative laxity of the corporate conscience; the diffusion and remoteness of the evils which malpractices produce; and the composite origin of these malpractices; it becomes possible to understand how, in railway affairs, gigantic dishonesties can be perpetrated by men who, on the average, are little if at all below the generality in moral character.

With this preliminary mitigation we proceed to detail the

various illegitimate influences by which these seemingly insane extensions and this continual squandering of shareholders' property are brought about.

Conspicuous among these is the self-interest of landowners. Once the greatest obstacles to railway enterprise, owners of estates have of late years been among its chief promoters. Since the Liverpool and Manchester line was first defeated by landed opposition, and succeeded with its second bill only by keeping out of sight of all mansions, and avoiding game preserves—since the time when the London and Birmingham Company, after seeing their project thrown out by a committee of peers who ignored the evidence, had to "conciliate" opponents by raising the estimate for land from £250,000 to £750,000—since the time when Parliamentary counsel justified resistance by the flimsiest excuses, even to reproaching engineers with having "trodden down the corn of widows" and "destroyed the strawberry-beds of gardeners"—since then, a marked change of policy has taken place. Nor was it in human nature that it should be otherwise. When it became known that railway-companies commonly paid for "land and compensation," sums varying from £4000 to £8000 per mile; that men were indemnified for supposed injury to their property, by sums so inordinate that the greater part has been known to be returned by the heir as conscience-money; that in one case £120,000 was given for land said to be worth but £5000—when it was noised abroad that large bonuses in the shape of preference shares and the like, were granted to buy off opposition—when it came to be an established fact that estates are greatly enhanced in value by the proximity of railways; it is not surprising that country gentlemen should have become active friends of schemes to which they were once the bitterest enemies. On considering the many temptations, we shall see nothing wonderful in the fact that in 1845 they were zealous pro-

visional committee-men; nor in the fact that their influence as promoters enabled them to get large sums for their own acres. If we are told of squires soliciting interviews with the engineer of a projected railway; prompting him to take their side of the country; promising support if he did, and threatening opposition if he did not; dictating the course to be followed through their domains; and hinting that a good price would be expected; we are simply told of the special modes in which certain private interests show themselves. If we hear of an extensive landowner using his influence as chairman of a board of directors, to project a branch running for many miles through his own estate, and putting his company to the cost of a parliamentary contest to carry this line; we hear only of that which was likely to occur under such circumstances. If we find now before the public, a line proposed by a large capitalist, serving among other ends to effect desirable communications with his property, and the estimates for which line, though considered by the engineering world insufficient, are alleged by him to be ample; we have but a marked case of the distorted representations which under such conditions self-interest is sure to engender. If we discover of this or that scheme, that it was got up by the local nobility and gentry—that they employed to make the survey a third-rate engineer, who was ready in anticipation of future benefit to do this for his bare expenses—that principals and agent wearied the directors of an adjacent trunk-line to take up their project; threatened that if they did not their great rival would; alarmed them into concession; asked for a contribution to their expenses; and would have gained all these points but for shareholders' resistance—we do but discover the organized tactics which, in course of time, naturally grow up under such stimuli. It is not that these facts are particularly remarkable. From the gross instance of the landowner who asked £8000 for that which he eventually accepted £80 for, down to the

every-day instances of influence used to get railway accommodation for the neighbourhood, the acts of the landed class are simply manifestations of the average character acting under special conditions. All that it now behoves us to notice, is, that we have here a large and powerful body whose interests are ever pressing on railway extension, irrespective of its intrinsic propriety.

The great change in the attitude of the Legislature towards railways, from "the extreme of determined rejection or dilatory acquiescence, to the opposite extreme of unlimited concession," was simultaneous with the change above described. It could not well fail to be so. Supplying, as the landowning community does, so large a portion of both Houses of Parliament, it necessarily follows that the play of private interests seen in the first, repeats itself in the last under modified forms, and complicated by other influences. Remembering the extent to which legislators were themselves implicated in the speculations of the mania, it is unlikely that they should since have been free from personal bias. A return proved, that in 1845 there were 157 members of Parliament whose names were on the registers of new companies for sums varying from £291,000 downwards. The supporters of new projects boasted of the numbers of votes they could command in the House. Members were personally canvassed, and peers were solicited. It was publicly complained in the upper chamber, that "it was nearly impossible to bring together a jury, some members of which were not interested in the railway they were about to assess." Doubtless this state of things was in a great degree exceptional; and there has since been not only a diminution of the temptations, but a marked increase of equitable feeling. Still, it is not to be expected that private interests should cease to act. It is not to be expected that a landowner who, out of Parliament, exerts himself to get a railway for his district, should, when in Parliament, not employ the power his new position gives him to the same

end. It is not to be expected that the accumulation of such individual actions should leave the legislative policy unchanged. Hence the fact, that the influence once used to throw out railway bills is now used to carry them. Hence the fact, that railway committees no longer require a good traffic case to be made out in justification for the powers asked. Hence the fact, that railway directors having seats in the House of Commons, are induced to pledge their companies to carry out extensions. We could name a member of Parliament who, having bought an estate fitly situated, offered to an engineer, also in Parliament, the making of a railway running through it; and having obtained the Act (in doing which the influence of himself and his friend was of course useful), pitted three railway companies against each other for the purchase of it. We could name another member of Parliament who, having projected and obtained powers for an extension through his property, induced the directors of the main line, with whom he had great influence, to subscribe half the capital for his extension, to work it for fifty per cent. of the gross receipts, and to give up all traffic brought by it on to the main line until he received four per cent. on his capital; which was tantamount to a four per cent. guarantee. But it is not only, nor indeed mainly, from directly personal motives that legislators have of late years unduly fostered railway enterprises. Indirectly personal motives of various kinds have been largely operative. The wish to satisfy constituents has been one. Inhabitants of an unaccommodated district, are naturally urgent with their representatives to help them to a line. Not unfrequently such representatives are conscious that their next elections may perhaps turn upon their successful response to this appeal. Even when there is no popular pressure there is the pressure of their leading political supporters—of large landholders whom it will not do to neglect; of local lawyers, important as electioneering friends, to whom a railway always brings

business. Thus, without having immediately private ends, members of Parliament are often almost coerced into urging forward schemes which, from a national point of view, or from a shareholder's point of view, are very unwise ones. Then there come the still less direct stimuli. Where neither personal nor political ends are to be gained, there are still the interests of a relative to be subserved; or, if not those of a relative, still those of a friend. And where there is no decided impulse to the contrary, these motives, of course, have their weight. Moreover, it requires in fairness to be said, that possessed as most members of Parliament are, with the belief that all railway-making is nationally beneficial, there exist in their minds few or no reasons for resisting the influences brought to bear on them. True, shareholders may be injured; but that is their own affair. The public will be better served; constituents will be satisfied; friends will be pleased; perhaps private ends gained: and under some or all of these incentives, affirmative votes are readily given. Thus, from the Legislature also, there has of late years proceeded a factitious stimulus to railway extensions.

From Parliament to Parliamentary agents, and the general body of lawyers concerned in railway enterprise, is a ready transition. With these, the getting up and carrying of new lines and branches is a matter of business. Whoever traces the process of obtaining a railway Act, or considers the number of legal transactions involved in the execution of railway works, or notes the large sums that figure in half-yearly reports under the head of "law charges;" will at once see how strong are the temptations which a new project holds out to solicitors, conveyancers, and counsel. It has been shown that in past years, parliamentary expenses have varied from £650 to £3000 per mile; of which a large proportion has gone into the pockets of the profession. In one contest, £57,000 was spent among six counsel and twenty solicitors. At a late

meeting of one of our companies it was pointed out, that the sum expended in legal and parliamentary expenses during nine years, had reached £480,000; or had averaged £53,500 a-year. With these and scores of like facts before them, it would be strange did not so acute a body of men as lawyers use vigorous efforts and sagacious devices to promote fresh enterprises. Indeed, if we look back at the proceedings of 1845, we shall suspect, not only that lawyers are still the active promoters of fresh enterprises, but often the originators of them. Many have heard how in those excited times the projects daily announced were not uncommonly set afloat by local solicitors—how these looked over maps to see where plausible lines could be sketched out—how they canvassed the local gentry to obtain provisional committeemen — how they agreed with engineers to make trial surveys—how, under the wild hopes of the day, they found little difficulty in forming companies—and how most of them managed to get as far as the Committee on Standing Orders, if no farther. Remembering all this, and remembering that those who were successful are not likely to have forgotten their cunning, but rather to have yearly exercised and increased it, we may expect to find railway lawyers among the most influential of the many parties conspiring to urge railway proprietaries into disastrous undertakings; and we shall not be deceived. To a great extent they are in league with engineers. From the proposal to the completion of a new line, the lawyer and the engineer work together; and their interests are throughout identical. While the one makes the survey, the other prepares the book of reference. The parish plans which the one gets ready, the other deposits. The notices to owners and occupiers which the one fills in, the other serves upon those concerned. And there are frequent consultations between them as to the dealing with local opposition and the obtainment of local support. In the getting up of

their case for Parliament, they necessarily act in concert. While, before committee, the one gets his ten guineas per day for attending to give evidence, the other makes profits on all the complicated transactions which carrying a bill involves. During the execution of the works they are in constant correspondence; and alike profit by any expansion of the undertaking. Thus there naturally arises in each, the perception that in aiding the other he is aiding himself; and gradually as, in course of years, the proceedings come to be often repeated, and a perfect familiarity with railway politics gained, there grows up a well-organized system of co-operation between them—a system rendered the more efficient by the wealth and influence which each has year by year accumulated.

Among the manœuvres employed by railway solicitors thus established and thus helped, not the least remarkable is that of getting their own nominees elected as directors. It is a fact, which we state on good authority, that there are puppet-directors who vote for this or that at the instigation of the company's lawyer. The obtainment of such tools is not difficult. Vacancies are about to occur in the directorate. Almost always there are men over whom a solicitor, conducting the extensive law-business of a railway, has considerable power: not only connexions and friends, but persons to whom in his legal capacity he can do great benefit or great injury. He selects the most suitable of these; giving the preference, if other things are equal, to one living in the country near the line. On opening the matter to him, he points out the sundry advantages attendant on a director's position—the free pass and the many facilities it gives; the annual £100 or so which the office brings; the honour and influence accruing; the opportunities for profitable investment that are likely to occur; and so forth. Should ignorance of railway affairs be raised as an objection, the tempter, in whose eyes this ignorance is a chief recommendation,

replies that he shall always be at hand to guide his votes. Should non-possession of a due amount of the company's stock be pleaded, the tempter meets the difficulty by offering himself to furnish the needful qualification. Thus incited and flattered, and perhaps conscious that it would be dangerous to refuse, the intended puppet allows himself to be put in nomination; and as it is the habit of half-yearly meetings, unless under great indignation, to elect any one proposed to them by those in authority, the nomination is successful. On subsequent occasions this proceeding can, of course, be repeated; and thus the company's legal agent and those leagued with him, may command sufficient votes to turn the scale in their own favour.

Then, to the personal interest and power of the head solicitor, have to be added those of the local solicitors, with whom he is in daily intercourse. They, too, profit by new undertakings; they, therefore, are urgent in pressing them forwards. Acting in co-operation with their chief, they form a dispersed staff of great influence. They are active canvassers; they stimulate and concentrate the feeling of their districts; they encourage rivalry with other lines; they alarm local shareholders with rumours of threatened competition. When the question of extension or non-extension comes to a division, they collect proxies for the extension party. They bring pressure to bear on their shareholding clients and relatives. Nay, so deep an interest do they feel in the decision, as sometimes to create votes with the view of influencing it. We have before us the case of a local solicitor, who, before the special meeting called to adopt or reject a contemplated branch, transferred portions of his own shares into the names of sundry members of his family, and so multiplied his seventeen votes into forty-one; all of which he recorded in favour of the new scheme.

The morality of railway engineers is not much above

that of railway lawyers. The gossip of Great George Street is fertile in discreditable revelations. It tells how So-and-so, like others before him, testified to estimates which he well knew were insufficient. It makes jocose allusion to this man as being employed to do his senior's "dirty work"—his hard-swearing; and narrates of the other that, when giving evidence before committee, he was told by counsel that he was not to be believed even on his knees. It explains how cheaply the projector of a certain line executed the parliamentary survey, by employing on it part of the staff in the pay of another company to which he was engineer. Now it alludes to the suspicion attaching to a certain member of the fraternity from his having let a permanent-way contract, for a term of years, at an extravagant sum per mile. Again it rumours the great profits which some of the leaders of the profession made in 1845, by charging for the use of their names at so much the prospectus: even up to a thousand guineas. And then, it enlarges on the important advantages possessed by engineers who have seats in the House of Commons.

Thus lax as is the ethical code of engineers, and greatly as they are interested in railway enterprise, it is to be expected that they should be active and not very scrupulous promoters of it. To illustrate the vigour and skill with which they further new undertakings, a few facts may be cited. Not far from London, and lying between two lines of railway, is an estate lately purchased by one of our engineers. He has since obtained Acts for branches to both of the adjacent lines. One of these branches he has leased to the company whose line it joins; and he has tried to do the like with the other, but as yet without success. Even as it is, however, he is considered to have doubled the value of his property. Again, an engineer of celebrity once nearly succeeded in smuggling through Parliament, in the bill for a proposed railway, a clause extending the limits of deviation, to several miles on each side of the line,

throughout a certain district—the usual limits being but five chains on each side; and the attempt is accounted for by the fact, that this engineer possessed mines in this district. To press forward extensions by the companies with which they are connected, they occasionally go to great lengths. Not long since, at a half-yearly meeting, certain projects which the proprietary had already once rejected, were again brought forward by two engineers who attended in their capacity of shareholders. Though known to be personally interested, one of them moved and the other seconded, that some new proposals from the promoters of these schemes be considered without delay by the directors. The motion was carried; the directors approved the proposals; and again, the proprietors negatived them. A third time a like effort was made; a third time a conflict arose; and within a few days of the special meeting at which the division was to take place, one of these engineers circulated among the shareholders a pamphlet denying the allegations of the dissentient party and making counter-statements which it was then too late to meet. Nay, he did more: he employed agents to canvass the shareholders for proxies in support of the new undertaking; and was obliged to confess as much when charged with it at the meeting.

Turn we now to contractors. Railway-enterprise has given to this class of men a gigantic development; not only in respect of numbers, but in respect of the vast wealth to which some of them have acquired. Originally, half a dozen miles of earthwork, fencing, and bridges, was as much as any single contractor undertook. Of late years, however it has become common for one man to engage to construct an entire railway; and deliver it to the company in a fit condition for opening. Great capital is required for this. Great profits are made by it. And the fortunes accumulated in course of time have been such, that sundry contractors are named as being each able to make a railway at his own

cost. But they are as insatiable as millionaires in general; and so long as they continue in business at all, are, in some sort, forced to provide new undertakings to keep their plant employed. As may be imagined, enormous stocks of working appliances are needed: many hundreds of earth-waggons and of horses; many miles of temporary rails and sleepers; some dozen locomotive engines, and several fixed ones; innumerable tools; besides vast stores of timber, bricks, stone, rails, and other constituents of permanent works, that have been bought on speculation. To keep the capital thus invested, and also a large staff of *employés*, standing idle, entails loss, partly negative, partly positive. The great contractor, therefore, is both under a strong stimulus to get fresh work, and enabled by his wealth to do this. Hence the not unfrequent inversion of the old arrangement under which companies and engineers employed contractors, into an arrangement under which contractors employ engineers and form companies. Many recent undertakings have been thus set on foot. The most gigantic project which private enterprise has yet dared, originated with a distinguished contracting firm. In some cases this mode of procedure may, perhaps, be advantageous; but in far more numerous cases its results are disastrous. Interested in promoting railway extensions, even in a greater degree than engineers and lawyers, contractors habitually co-operate with these, either as agents or as coadjutors. Lines are fostered into being, which it is known from the beginning, will not pay. Of late, it has become common for land-owners, merchants, and others personally interested, who, under the belief that their indirect gains will compensate for their meagre dividends, have themselves raised part of the capital for a local railway, but cannot raise the rest—it has become common for such to make an agreement with a wealthy contractor to construct the line, taking in part payment a portion of the shares, amounting to perhaps a third of the whole, and to charge for his work according to

a schedule of prices to be thereafter settled between himself and the engineer. By this last clause the contractor renders himself secure. It would never answer his purpose to take part payment in shares likely to return some £2 per cent., unless he compensated himself by unusually high profits; and this subsequent settlement of prices with one whose interests, like his own, are wrapped up in the prosecution of the undertaking, ensures him high profits. Meanwhile, it is noised abroad that all the capital has been subscribed and the line contracted for; these facts unduly raise the public estimate of the scheme; the shares are quoted at much above their true worth; unwary persons buy; the contractor from time to time parts with his moiety at fair prices; and the new shareholders ultimately find themselves part owners of a railway which, unprofitable as it originally promised to be, had been made yet more unprofitable by expensiveness of construction. Nor are these the only cases in which contractors gain after this fashion. They do the like with lines of their own projecting. To obtain Acts for these, they sign the subscription-contracts for large amounts; knowing that in the way above described, they can always make it answer to do this. So general had the practice latterly become, as to attract the attention of committees. As was remarked by a personage noted for his complicity in these transactions—"Committees are getting too knowing; they won't stand that dodge now." Nevertheless, the thing is still done under a disguised form. Though contractors no longer enter their own names on subscription lists for thousands of shares; yet they effect the same end by making nominal holders of their foremen and others: themselves being the real ones.

Of directorial misdoings some samples have already been given; and more might be added. Besides those arising from directly personal aims, there are sundry others. One of these is the increasing community between railway

boards and the House of Commons. There are eighty-one directors sitting in Parliament; and though some of these take little part in the affairs of their respective railways, many of them are the most active members of the boards to which they belong. We have but to look back a few years, and mark the unanimity with which companies adopted the policy of getting themselves represented in the Legislature, to see that the furtherance of their respective interests—especially in cases of competition—was the incentive. How well this policy is understood by the initiated, may be judged from the fact, that gentlemen are now in some cases elected on boards, simply because they are members of Parliament. Of course this implies that railway legislation is affected by a complicated play of private influences; and that these influences generally work towards the facilitation of new enterprises, is obvious. It naturally happens that directors having seats in the House of Commons can more or less smooth the way of their annual batch of new bills through committees. It naturally happens that those whose companies are not opposed, exchange good offices. Not only do they aid the passing of schemes in which they are interested, but they are solicited to undertake further schemes by those around them. It is a common-sense conclusion that representatives of small towns and country districts needing railway accommodation, who are daily thrown in contact with the chairman of a company capable of giving this accommodation, do not neglect the opportunity of furthering their ends. It is a common-sense conclusion that by hospitalities, by favours, by flattery, by the many means used to bias men, they seek to obtain his assistance. And it is an equally common-sense conclusion that in many cases they succeed—that by some complication of persuasions and temptations they swerve him from his calmer judgment; and so introduce into the company he represents, influences at variance with its welfare.

Under some motives however—whether those of direct

self-interest, of private favour, or of antagonistic feeling, matters not here—it is certain that directors are constantly committing their constituents to unwise enterprises; and that they frequently employ unjustifiable means for either eluding or overcoming their opposition. Shareholders occasionally find that their directors have given to Parliament, pledges of extension much exceeding any they were authorised to give; and they are then persuaded that they are bound to endorse the promises made for them by their agents. In some cases, among the misleading statements laid before shareholders to obtain their consent to a new project, will be found an abstract of the earnings of a previously-executed branch to which the proposed one bears some analogy. These earnings are shown (not always without "cooking") to be tolerably good and improving; and it is argued that the new project, having like prospects, offers a fair investment. Meanwhile, it is not stated that the capital for this previously-executed branch was raised on debentures or by guaranteed shares at a higher rate of interest than the dividend pays; it is not stated that as the capital for this further undertaking will be raised on like terms, the annual interest on debt will swallow up more than the annual revenue; and thus unsuspecting shareholders—some unacquainted with the company's antecedents, some unable to understand its complicated accounts—give their proxies, or raise their hands, for new works which will tell with disastrous effect on their future dividends. In pursuit of their ends, directors will from time to time go directly in the teeth of established regulations. Where it has been made a rule that proxies shall be issued only by order of a meeting of the proprietors, they will yet issue them without any such order, when by so doing they can steal a march on dissentients. If it suits their purpose, they will occasionally bring forward most important measures without due notice. In stating the amount of the company's stock which has

voted with them on a division, they have been known to include thousands of shares on which a small sum only was paid up, counting them as though fully paid up.

To complete the sketch, something must be said on the management of board meetings and meetings of shareholders. For the first—their decisions are affected by various manœuvres. Of course, on fit occasions, there is a whipping-up of those favourable to any project which it is desired to carry. Were this all, there would be little to complain of; but something more than this is done. There are boards in which it is the practice to defeat opposition by stratagem. The extension party having summoned their forces for the occasion, and having entered on the minutes of business a notice worded with the requisite vagueness, shape their proceedings according to the character of the meeting. Should their antagonists muster more strongly than was expected, this vaguely-worded notice serves simply to introduce some general statement or further information concerning the project named in it; and the matter is passed over as though nothing more had been meant. On the contrary, should the proportion of the two sides be more favourable, the notice becomes the basis of a definite motion committing the board to some important act. If due precautions have been taken, the motion is passed; and once passed, those who, if present, would have resisted it, have no remedy; for in railway government there is no "second reading," much less a third. So determined and so unscrupulous are the efforts sometimes made by the stronger party to overcome and silence their antagonists, that when a contested measure, carried by them at the board, has to go before a general meeting for confirmation, they have been known to pass a resolution that their dissentient colleagues shall not address the proprietary!

That, at half-yearly and special meetings, shareholders should be so readily misled by boards, even after repeated

experience of their untrustworthiness, seems at first sight difficult to understand. The mystery disappears, however, on inquiry. Very frequently, contested measures are carried against the sense of the meetings before which they are laid, by means of the proxies previously collected by the directors. These proxies are obtained from proprietors scattered everywhere throughout the kingdom, who are mostly weak enough to sign the first document sent to them. Then, of those present when the question is brought to an issue, not many dare attempt a speech. Of those who dare, but few are clear-headed enough to see the full bearings of the measure they are about to vote upon; and such as can see them are often prevented by nervousness from doing justice to the views they hold. Moreover, it must be borne in mind that proprietors displaying antagonism to the board are usually regarded by their brother proprietors with more or less reprobation. Unless the misconduct of the governing body has been very glaring and very recent, there ever arises in the mass a prejudice against all playing the part of an opposition. They are condemned as noisy, and factious, and obstructive; and often only by determined courage avoid being put down. Besides these negative reasons for the general inefficiency of shareholders' resistance, there are sundry positive ones. As writes to us a Member of Parliament who has been an extensive holder of stock in many companies from the first days of railway enterprise:—"My large and long acquaintance with Railway Companies' affairs, enables me to say, that a large majority of shareholders trust wholly to their directors, having little or no information, nor caring to have any opinion of their own. . . . . Some others, better informed but timid, are afraid, by opposing the directors, of causing a depreciation of the value of their stock in the market, and are more alarmed at the prospect of this temporary depreciation than at the permanent loss entailed on the company by the useless, and therefore

unprofitable, outlay of additional capital. . . . . Others again, believing that the impending permanent evil is inevitable, resolve on the spot to sell out immediately, and to keep up the prices of their shares, also give their support to the directors." Thus, from lack of organization and efficiency among those who express their opposition, and from the timidity and double-facedness of those who do not, it happens that extremely unwise projects are carried by large majorities. Nor is this all. The tactics of the aggressive party are commonly as skilful as those of their antagonists are bungling. The chairman, who is generally the chief promoter of the contested scheme, has it in his power to favour those who take his own side, and to throw difficulties in the way of opponents; and this he not unfrequently does to a great extent—refusing to hear, putting down on some plea of breach of order, browbeating, even using threats.* It generally turns out too, that, whether intentionally or not, some of the most important motions are postponed until nearly the close of the meeting, when the greater part of the shareholders are gone. Large money-votes, extensive powers, unlimited permits to directors to take, in certain matters, "such steps as in their judgment they may deem most expedient,"—these, and the like, are hurried over during the last half-hour, when the tired and impatient remnant will no longer listen to objectors; and when those who have personal ends to serve by outstaying the rest, carry everything their own way. Indeed, in some cases, the arrangements are such as almost ensure the meeting becoming a pro-extension one towards the end.

* We may remark in passing, that the practice of making the chairman of the board also chairman of the half-yearly meetings, is a very injudicious one. The directors are the servants of the proprietary; and meet them from time to time to render an account of their stewardship. That the chief of these servants, whose proceedings are about to be examined, should himself act as chief of the jury is absurd. Obviously, the business of each meeting should be conducted by some one independently chosen for the purpose; as the Speaker is chosen by the House of Commons.

This result is brought about thus:—A certain portion of the general body of proprietors are also proprietors of some subordinate work—some branch line, or canal, or steamboats, which the Company has purchased or leased; and as holders of guaranteed stock, ready to take up further such stock if they can get it, these lean towards projects that are to be executed on the preference-share system. They hold their meeting for the declaration of dividend, &c., as soon as the meeting of the Company at large has been dissolved; and in the same room. Hence it happens that being kept together by the prospect of subsequent business, they gradually, towards the close of the general meeting, come to form the majority of those present; and the few ordinary shareholders who have been patient enough to stay, are outvoted by those having interests distinct from their own and quite at variance with the welfare of the Company.

And here this allusion to the preference-share system, introduces us to a fact which may fitly close this detail of private interests and questionable practices—a fact serving at once to illustrate the subtlety and concert of railway officialism, and the power it can exert. That this fact may be fully appreciated, it must be premised, that though preference-shares do not usually carry votes, they are sometimes specially endowed with them; and further, that they occasionally remain unpaid up until the expiration of a time after which no further calls can be legally made. In the case in question, a large number of £50 preference-shares had thus long stood with but £5 paid. Promoters of extensions, &c., had here a fine opportunity of getting great power in the Company at small cost; and, as we shall see, they duly availed themselves of it. Already had their party twice tried to thrust the proprietors into a new undertaking of great magnitude. Twice had they entailed on them an expensive and harassing contest. A third time, notwithstanding a professed relinquishment of it, they

brought forward substantially the same scheme, and were defeated only by a small majority. The following extracts from the division lists we take from the statement of one of the scrutineers.

| | 50*l.* Preference Shares with 5*l.* paid up. | Additional Stock or Shares. | Recorded Stock at the Poll as held. | Total actual Capital paid up. | Number of Votes scored for the Extension. |
|---|---|---|---|---|---|
| | | | £ | £ | |
| The Company's solicitor .... | 500 | 7,500*l.* stock, and 100 50*l.* shares, with 42*l.* 10*s.* paid up. | 75,650 | 18,140 | 188 |
| Ditto in joint account with another ..... | 778 | None. | | | |
| The solicitor's partner ..... | 60 | None. | 3,000 | 300 | 20 |
| The Company's engineer .... | 150 | None. | 7,500 | 750 | 33 |
| The engineer's partner ..... | 1,354 | 4,266*l.* stock. | 71,966 | 11,036 | 161 |
| One of the Company's parliamentary counsel ..... | 200 | 1,000*l.* stock. | 11,000 | 2,000 | 40 |
| Another ditto, ditto ..... | 125 | 200*l.* stock. | 6,450 | 825 | 30 |
| Local solicitor for the proposed extension ..... | 7 | None. | 350 | 35 | 7 |
| The Company's contractor for permanent-way ..... | 347 | 52,833*l.* | 70,183 | 54,568 | 158 |
| The Company's conveyancer | 1,003 | 333*l.* stock. | 50,483 | 5,348 | 118 |
| The Company's furniture printer ..... | 35 | 10,000*l.* stock. | 11,750 | 10,175 | 41 |
| The Company's surveyor.... | 360 | 1,250*l.* stock. | 19,250 | 3,050 | 56 |
| The Company's architect.... | 217 | 14,916*l.* stock; 119 50*l.* shares, with 42*l.* 10*s.* paid up; and 13 40*l.* shares, with 34*l.* paid up. | 32,230 | 20,416 | 82 |
| One of the Company's carriers ..... | 17 | 833*l.* stock. | 1,683 | 918 | 14 |
| The Company's bankers :— | | | | | |
| One partner ..... | .. .. | .. .. | 33,666 | 32,366 | 90 |
| Another partner..... | .. .. | .. .. | 2,500 | 2,500 | 18 |
| Ditto in joint account with another ..... | .. .. | .. .. | 1,000 | 350 | 12 |

To this list, some seven or eight of the Company's tradesmen, similarly armed, might be added; raising the number of the almost factitious shares held by functionaries to about 5200, and increasing the votes commanded by them, from its present total of 1068 to upwards of 1100. If now we separate the £380,000, which these gentlemen bring to bear against their brother shareholders, into real and nominal; we find that while not quite £120,000 of it is *bonâ fide* property invested, the remaining £260,000 is nine

parts shadow and one part substance. And thus it results, that by virtue of certain stock actually representing but £26,000, these lawyers, engineers, counsel, conveyancers, contractors, bankers, and others interested in the promotion of new schemes, outweigh more than a quarter of a million of the real capital held by shareholders whom these schemes will injure!

Need we any longer wonder, then, at the persistence of Railway Companies in seemingly reckless competition and ruinous extensions? Is not this obstinate continuance of a policy that has year after year proved disastrous, sufficiently explicable on contemplating the many illegitimate influences at work? Is it not manifest that the small organized party always out-manœuvres the large unorganized one? Consider their respective characters and circumstances. Here are the shareholders diffused throughout the kingdom, in towns and country houses; knowing nothing of each other, and too remote to co-operate were they acquainted. Very few of them see a railway journal; and scarcely any know much of railway politics. Necessarily a fluctuating body, only a small number are familiar with the Company's history—its acts, engagements, policy, management. A great proportion are incompetent to judge of the matters that come before them, and lack decision to act out such judgments as they may form—executors who do not like to take steps involving much responsibility; trustees fearful of interfering with the property under their care, lest possible loss should entail a lawsuit; widows who have never in their lives acted for themselves in any affair of moment; maiden ladies, alike nervous and innocent of all business knowledge; clergymen whose daily discipline has been little calculated to make them acute men of the world; retired tradesmen whose retail transactions have given them small ability for grasping large considerations; servants possessed of

accumulated savings and cramped notions; with sundry others of like helpless characters—all of them rendered more or less conservative by ignorance or timidity, and proportionately inclined to support those in authority. To these should be added the temporary shareholders, who, having bought stock on speculation, and knowing that a revolution in the Company is likely to depress prices for a time, have an interest in supporting the board irrespective of the goodness of its policy. Turn now to those whose efforts are directed to railway expansion. Consider the constant pressure of local populations—of small towns, of rural districts, of landowners: all of them eager for branch accommodation; all of them with great and definite advantages in view; few of them conscious of the loss those advantages may entail on others. Remember the influence of legislators, prompted, some by their constituents, some by personal aims, and encouraged by the belief that additional railway facilities are in every case nationally beneficial; and then infer the extent to which as stated to Mr. Cardwell's committee, Parliament has "excited and urged forward" Companies into rivalry. Note the temptations under which lawyers are placed—the vast profits accruing to them from every railway contest, whether ending in success or failure; and then imagine the range and subtlety of their extension manœuvring. Conceive the urgency of engineers; to the richer of whom more railway-making means more wealth; to the mass of whom more railway-making means daily bread. Estimate the capitalist-power of contractors; whose unemployed plant brings heavy loss; whose plant when employed brings great gain. Then recollect that to lawyers, engineers, and contractors the getting up and executing of new undertakings is a business—a business to which every energy is directed; in which many years of practice have given great skill; and to the facilitation of which, all means tolerated by men of the world are thought justifiable.

Finally, consider that the classes interested in carrying out new schemes, are in constant communication, and have every facility for combined action. A great part of them live in London, and most of these have offices at Westminster—in Great George Street, in Parliament Street, clustering round the Legislature. Not only are they thus concentrated—not only are they throughout the year in frequent business intercourse; but during the session they are daily together, in Palace-Yard Hotels, in the lobbies, in the committee-rooms, in the House of Commons itself. Is it any wonder then, that the wide-spread, ill-informed unorganized body of shareholders, standing severally alone, and each pre-occupied with his private affairs, should be continually out-generalled by the comparatively small but active, skilful, combined body opposed to them, whose very occupation is at stake in gaining the victory?

"But how about the directors?" it will perhaps be asked. "How can they be parties to these obviously unwise undertakings? They are themselves shareholders; they gain by whatever benefits the proprietary at large; they lose by whatever injures it. And if without their consent, or rather their agency, no new scheme can be adopted by the Company, the classes interested in fostering railway enterprise are powerless to do harm."

This belief in the identity of directorial and proprietary interests, is the fatal error commonly made by shareholders. It is this which, in spite of bitter experiences, leads them to be so careless and so trustful. "Their profit is our profit; their loss is our loss; they know more than we do; therefore let us leave the matter to them." Such is the argument which more or less definitely passes through the shareholding mind—an argument of which the premises are delusive, and the inference disastrous. Let us consider it in detail.

Not to dwell on the disclosures that have in years past

been made respecting the share-trafficking of directors, and the large profits realized by it—disclosures which alone suffice to disprove the assumed identity between the interests of board and proprietary—and taking for granted that little, if any, of this now takes place; let us go on to notice the still-prevailing influences which render this apparent community of aims illusive. The immediate interests which directors have in the prosperity of the Company, are often much less than is supposed. Occasionally they possess only the bare qualification of £1000 worth of stock. In some instances even this is partly nominal. Admitting, however, as we do frankly, that in the great majority of cases the full qualification, and much more than the qualification, is held; yet it must be borne in mind that the indirect advantages which a wealthy member of a board may gain from the prosecution of a new undertaking, will often far outweigh the direct injury it will inflict on him by lowering the value of his shares. A board usually consists, to a considerable extent, of gentlemen residing at different points throughout the tract of country traversed by the railway they control: some of them landowners; some merchants or manufacturers; some owners of mines or shipping. Almost always some or all of them are advantaged by a new branch or feeder. Those in close proximity to it, gain either by enhanced value of their lands, or by increased facilities of transit for their commodities. Those at more remote parts of the main line, though less directly interested, are still frequently interested in some degree; for every extension opens up new markets either for produce or raw materials; and if it is one effecting a junction with some other system of railways, the greater mercantile conveniences afforded to directors thus circumstanced, become important. Obviously, therefore, the indirect profits accruing to such from one of these extensions, may more than counterbalance the direct loss upon their railway investments;

and though there are, doubtless, men too honourable to let such considerations sway them, yet the generality can scarcely fail to be affected by temptations so strong. Then we have to remember the influences brought to bear upon directors having seats in Parliament. Already these have been noticed; and we recur to them only for the purpose of pointing out that the immediate evil of an increased discount on his £1000 worth of stock, may be to a director of much less consequence than the favours, patronage, connexions, which his aid in carrying a new scheme will bring him. So that here too the supposed identity of interests between directors and shareholders does not hold.

Moreover, this disunion of interests is increased by the system of preference-stock. Were there no other cause in action, the raising of capital for supplementary undertakings, by issuing shares bearing a guaranteed interest of 5, 6, and 7 per cent., would destroy that community of motives supposed to exist between a railway proprietary and its executive. Little as the fact is recognized, it is yet readily demonstrable that by raising one of these mortgages, a Company is forthwith divided into two classes; the one consisting of the richer shareholders, inclusive of the directors, and the other of the poorer shareholders; of which classes the richer one can protect itself from the losses which the poorer one has to bear—nay, can even profit by the losses of the poorer one. This assertion, startling as it will be to many, we will proceed to prove.

When the capital required for a branch or extension is raised by means of guaranteed shares, it is the custom to give each proprietor the option of taking up a number of such shares proportionate to the number of his original shares. By availing himself of this offer, he partially protects himself against any loss which the new undertaking may entail. Should this, not fulfilling the promises of its advocates, diminish in some degree the general

dividend; yet, a high dividend on the due proportion of preference-stock, may nearly or quite compensate for this. Hence, it becomes the policy of all who can do so, to take up as many guaranteed shares as they can get. But what happens when the circular announcing this apportionment of guaranteed shares is sent round? Those who possess much stock, being generally capitalists, accept as many as are allotted to them. On the other hand, the smaller holders, constituting as they do the bulk of the Company, having no available funds with which to pay the calls on new shares, are obliged to part with their letters of allotment. What results? When this additional line has been opened, and it turns out, as usual, that its revenue is insufficient to meet the guaranteed dividend on its shares—when the general income of the Company is laid under contribution to make up this guaranteed dividend—when as a consequence, the dividend on the original stock is diminished; then the poorer shareholders who possess original stock only, find themselves losers; while the richer ones, possessing guaranteed shares in addition, find that their gain on preference-dividends nearly or quite counterbalances their loss on general dividends. Indeed, as above hinted, the case is even worse. For as the large shareproprietor who has obtained his proportion of guaranteed stock, is not obliged to retain his original stock—as, if he doubts the paying character of the new undertaking, he can always sell such of his shares as will suffer from it; it is obvious that he may, if he pleases, become the possessor of preference-shares only; and may so obtain a handsome return for his money at the expense of the Company at large and the small shareholders in particular. How far this policy is pursued we do not pretend to say; though the table given some pages back suggests extensive pursuit of it. All which it here concerns us to notice, is, that directors, being mostly men of large means, and being therefore able to avail themselves of this guaranteed

stock, are liable to be swayed by motives different from those of the general proprietary. And that they often are so swayed there cannot be a doubt. Without assuming that any of them deliberately intend to benefit at the cost of their co-proprietors; and believing, as we do, that few of them duly perceive that the protection they will have, is a protection not available by the shareholders at large; we think it is a rational deduction from common experience, that this prospect of compensation often turns the scale in the minds of those who are hesitating, and diminishes the opposition of those who disapprove.

Thus, the belief which leads most railway shareholders to place implicit faith in their directors, is an erroneous one. It is not true that there is an identity of interest between the proprietary and its executive. It is not true that the board forms an efficient guard against the intrigues of lawyers, engineers, contractors, and others who profit by railway-making. Contrariwise, its members are not only liable to be drawn from their line of duty by various indirect motives, but by the system of guaranteed shares they are placed under a positive temptation to betray their constituents.

And now what is the proximate origin of these corruptions? and what is the remedy for them? What error in railway legislation is it that has made possible such complicated chicaneries? Whence arises this facility with which interested persons thrust companies into unwise enterprises? We believe there is a very simple answer to these questions. It is an answer, however, which will at first sight seem quite irrelevant; and we doubt not that the corollary we propose drawing from it, will be forthwith condemned by so-called practical men. Nevertheless, we are not without hope of showing, both that the evils laboured under would be excluded were this corollary recognized, and that recognition of it is not only feasible, but would

even open the way out of sundry perplexities in which railway legislation is at present involved.

We conceive, then, that the fundamental vice of our system, as hitherto carried out, lies in *the misinterpretation of the proprietary contract*—the contract tacitly entered into between each shareholder and the body of shareholders with whom he unites; and that the remedy for these evils which have now become so great, lies simply in the enforcement of an equitable interpretation of this contract. In reality the contract is a strictly limited one. In practice it is treated as altogether unlimited. And the thing needed is, that it should be clearly defined and abided by.

Our popular form of government has so habituated us to seeing public questions decided by the voice of the majority, and the system is so manifestly equitable in the cases daily before us, that there has been produced in the general mind, an unhesitating belief that the majority's right is unbounded. Under whatever circumstances men co-operate, it is held that if difference of opinion arises among them, justice requires that the will of the greater number shall be executed rather than that of the smaller number; be the question at issue what it may. So confirmed is this conviction, that to most this mere suggestion of a doubt will cause astonishment. Yet it needs but a brief analysis to show that the conviction is little better than a political superstition. Instances may readily be selected which prove, by *reductio ad absurdum*, that the right of a majority is a purely conditional right, valid only within specific limits. Let us take a few. Suppose that at the general meeting of some philanthropic association, it was resolved that in addition to relieving distress the association should employ home-missionaries to preach down popery. Might the subscriptions of Catholics, who had joined the body with charitable views, be rightfully used for this end? Suppose that of the members of a book-club, the greater number, thinking

that under existing circumstances rifle-practice is more important than reading, should decide to change the purpose of their union, and to apply the funds in hand for the purchase of powder, ball, and targets. Would the rest be bound by this decision? Suppose that under the excitement of news from Australia, the majority of a Freehold Land Society should determine, not simply to start in a body for the gold diggings, but to use their accumulated capital to provide outfits. Would this appropriation of property be just to the minority? and must these join the expedition? Scarcely any one would venture an affirmative answer even to the first of these questions; much less to the others. And why? Because everyone must perceive that by joining with others, no man can equitably be committed to acts utterly foreign to the purpose for which he joined them. Each of these supposed minorities would properly reply to those seeking to coerce them:—"We combined with you for a defined object; we gave money and time for the furtherance of that object; on all questions thence arising, we tacitly agreed to conform to the will of the greater number; but we did not agree to conform on any other questions. If you induce us to join you by professing a certain end, and then undertake some other end of which we were not apprised, you obtain our support under false pretences; you exceed the expressed or understood compact to which we committed ourselves; and we are no longer bound by your decisions." Clearly this is the only rational interpretation of the matter. The general principle underlying the right government of every incorporated body, is, that its members contract with each other severally to submit to the will of the majority *in all matters concerning the fulfilment of the objects for which they are incorporated; but in no others.* To this extent only can the contract hold. For as it is implied in the very nature of a contract, that those entering into it must know what they contract to do; and as those who unite with others for a specified object,

cannot contemplate all the unspecified objects which it is hypothetically possible for the union to undertake; it follows that the contract entered into cannot extend to such unspecified objects. And if there exists no expressed or understood contract between the union and its members respecting unspecified objects, then for the majority to coerce the minority into undertaking them, is nothing less than gross tyranny.

Now this almost self-evident principle is wholly ignored, alike in our railway legislation and the proceedings of our companies. Definite as is the purpose with which the promoters of a public enterprise combine, many other purposes not dreamed of at the outset are commonly added to it; and this, apparently, without any suspicion that such a course is unwarrantable, unless taken with the *unanimous* consent of the proprietors. The unsuspecting shareholder who signed the subscription contract for a line from Greatborough to Grandport, did so under the belief that this line would not only be a public benefit but a good investment. He was familiar with the country. He had been at some trouble to estimate the traffic. And, fully believing that he knew what he was embarking in, he put down his name for a large amount. The line has been made; a few years of prosperity have justified his foresight; when, at some fatal special meeting, a project is put before him for a branch from Littlehomestead to Stonyfield. The will of the board and the intrigues of the interested, overbear all opposition; and in spite of the protests of many who like him see its impolicy, he presently finds himself involved in an undertaking which, when he joined the promoters of the original line, he had not the remotest conception would ever be proposed. From year to year this proceeding is repeated. His dividends dwindle and his shares go down; and eventually the congeries of enterprises to which he is committed, grows so vast that the first enterprise of the series becomes but a small fraction of the whole. Yet it is in virtue of his

consent to this first of the series, that all the rest are thrust upon him. He feels that there is injustice somewhere; but, believing in the unlimited right of a majority, fails to detect it. He does not see that when the first of these extensions was proposed, he should have denied the power of his brother-shareholders to implicate him in an undertaking not named in their deed of incorporation. He should have told its proposers that they were perfectly free to form a separate Company for the execution of it; but that they could not rightfully compel dissentients to join in a new undertaking, any more than they could rightfully have compelled dissentients to join in the original. Had such a shareholder united with others for the specified purpose of *making railways*, he would have had no ground for protest. But he united with others for the specified purpose of *making a particular railway*. Yet such is the confusion of ideas on the subject, that there is absolutely no difference recognized between these cases!

It will doubtless be alleged in defence of all this, that these secondary enterprises are supplementary to the original one—are in part undertaken for the furtherance of it; professedly minister to its prosperity; cannot, therefore, be regarded as altogether separate enterprises. And it is true that they have this for their excuse. But if it is a sufficient excuse for accessories of this kind, it may be made a sufficient excuse for any accessories whatever. Already, Companies have carried the practice beyond the making of branches and extensions. Already, under the plea of bringing traffic to their lines, they have constructed docks; bought lines of steam-packets; built vast hotels; deepened river-channels. Already, they have created small towns for their workmen; erected churches and schools; salaried clergymen and teachers. Are these warranted on the ground of advancing the Companies' interests? Then thousands of other undertakings are similarly warranted. If a view to the development of traffic, justifies the making

of a branch to some neighbouring coal-mines; then, should the coal-mines be inefficiently worked, the same view would justify the purchase of them—would justify the Company in becoming coal-miner and coal-seller. If anticipated increase of goods and passengers is a sufficient reason for carrying a feeder into an agricultural district; then, it is a sufficient reason for organizing a system of coaches and waggons to run in connexion with this feeder; for making the requisite horse-breeding establishments; for hiring the needful farms; for buying estates; for becoming agriculturists. If it be allowable to purchase steamers plying in conjunction with the railway; it must be allowable to purchase merchant vessels to trade in conjunction with it; it must be allowable to set up a yard for building such vessels; it must be allowable to erect depôts at foreign ports for the receipt of goods; it must be allowable to employ commission agents for collecting such goods; it must be allowable to extend a mercantile organization all over the world. From making its own engines and carriages, a Company may readily progress to manufacturing its own iron and growing its own timber. From giving its *employés* secular and religious instruction, and providing houses for them, it may go on to supply them with food, clothing, medical attendance, and all the needs of life. Beginning simply as a corporation to make and work a railway between A and B; it may become a miner, manufacturer, merchant, shipowner, canal-proprietor, hotel-keeper, landowner, housebuilder, farmer, retail-trader, priest, teacher—an organization of indefinite extent and complication. There is no logical alternative between permitting this, and strictly limiting the corporation to the object first agreed upon. A man joining with others for a specific purpose, must be held to commit himself to that purpose only; or else to all purposes whatever which they may choose to undertake.

But proprietors dissenting from one of these supplementary projects are told that they have the option of

selling out. So might the dissentients from a new State-enforced creed be told, that if they did not like it they might leave the country. The one reply is little more satisfactory than the other would be. The opposing shareholder sees himself in possession of a good investment—one perhaps which, as an original subscriber, he ran some risk in obtaining. This investment is about to be endangered by an act not named in the deed of incorporation. And his protests are met by saying, that if he fears the danger he may part with his investment. Surely this choice between two evils scarcely meets his claims. Moreover, he has not even this in any fair sense. It is often an unfavourable time to sell. The very rumour of one of these extensions frequently causes a depreciation of stock. And if many of the minority throw their shares on the market, this depreciation is greatly increased; a fact which further hinders them from selling. So that each is in a dilemma: he has to part with a good investment at much less than its value; or to run the risk of having its value greatly diminished.

The injustice thus inflicted on minorities is, indeed, already recognized in a vague way. The recently-established Standing Order of the House of Lords, that before a Company carry out any new undertaking, three-fourths of the votes of the proprietors shall be recorded in its favour, clearly implies a perception that the usual rule of the majority does not apply. And again, in the case of The Great Western Railway Company *versus* Rushout, the decision that the funds of the Company could not be used for purposes not originally authorized, without a special legislative permit, involves the doctrine that the will of the greater number is not of unlimited validity. In both these cases, however, it is taken for granted that a State-warrant can justify an act which without it would be unjustifiable. We must take leave to question this. If it be held that an Act of Parliament can make murder proper, or can give rectitude to robbery; it may be consistently held that it

can sanctify a breach of contract; but not otherwise. We are not about to enter upon the vexed question of the standard of right and wrong; and to inquire whether it is the function of a government to make rules of conduct, or simply to enforce rules deducible from the laws of social life. We are content, for the occasion, to adopt the expediency-hypothesis; and adopting it, must yet contend that, rightly interpreted, it gives no countenance to this supposed power of a Government to alter the limits of an equitable contract against the wishes of some of the contracting parties. For, as understood by its teachers and their chief disciples, the doctrine of expediency is not a doctrine implying that each particular act is to be determined by the particular consequences that may be expected to flow from it; but that the general consequences of entire classes of acts having been ascertained by induction from experience, rules shall be framed for the regulation of such classes of acts, and each rule shall be uniformly applied to every act coming under it. Our whole administration of justice proceeds on this principle of invariably enforcing an ordained course, regardless of special results. Were immediate consequences to be considered, the verdict gained by the rich creditor against the poor debtor would generally be reversed; for the starvation of the last is a much greater evil than the inconvenience of the first. Most thefts arising from distress would go unpunished; a large proportion of men's wills would be cancelled; many of the wealthy would be dispossessed of their fortunes. But it is clearly seen that were judges thus guided by proximate evils and benefits, the ultimate result would be social confusion; that what was immediately expedient would be ultimately inexpedient; and hence the aim at rigorous uniformity, spite of incidental hardships. Now, the binding nature of agreements is one of the commonest and most important principles of civil law. A large part of the causes daily heard in our courts, involve the

question, whether in virtue of some expressed or understood contract, some of those concerned are, or are not, bound to certain acts or certain payments. And when it has been decided what the contract implies, the matter is settled. The contract itself is held sacred. This sacredness of a contract being, according to the expediency-hypothesis, justified by the experience of all nations in all times that it is generally beneficial, it is *not* competent for a Legislature to declare that contracts are violable. Assuming that the contracts are themselves equitable, there is no rational system of ethics which warrants the alteration or dissolving of them, save by the consent of all concerned. If then it be shown, as we think it has been shown, that the contract tacitly entered into by railway shareholders with each other, has definite limits; it is the function of the Government to *enforce*, and not to *abolish*, those limits. It cannot decline to enforce them without running counter, not only to all theories of moral obligation, but to its own judicial system. It cannot abolish them without glaring self-stultification.

Returning, now, to the manifold evils of which the cause was asked; it only remains to point out that, were the just construction of the proprietary contract insisted upon, such evils would, in great part, be excluded. The various illicit influences by which Companies are daily betrayed into disastrous extensions, would necessarily be inoperative when such extensions could not be undertaken by them. When such extensions had to be undertaken by independent bodies of shareholders, with no one to guarantee them good dividends, those who are locally and professionally interested would find it a less easy matter than at present to aggrandize themselves at the expense of others.

And now as to the policy of thus modifying railway legislation—the commercial policy we mean. Leaving out of sight the more general social interests, let us glance at

the effects on business interests—the proximate instead of the ultimate effects. The implication contained in the last paragraph, that the making of supplementary lines would no longer be so facile, will be thought to prove the disadvantage of any such limit as the one advocated. Many will argue, that to restrict Companies to their original undertakings would fatally cripple railway enterprise. Many others will remark, that, however detrimental to shareholders this extension system may have been, it has manifestly proved beneficial to the public. Both these positions seem to us more than questionable. We will first look at the last of them.

Even were travelling accommodation the sole thing to be considered, it would not be true that prodigality in new lines has been advantageous. The districts supplied have, in many cases, themselves been injured by it. It is shown by the evidence given before the Select Committee on Railway and Canal Bills, that in Lancashire, the existence of competing lines has, in some cases, both diminished the facilities of communication and increased the cost. It is further shown by this evidence, that a town obtaining branches from two antagonist Companies, by-and-by, in consequence of a working arrangement between these Companies, comes to be worse off than if it had but one branch; and Hastings is quoted as an example. It is again shown that a district may be wholly deprived of railway accommodation by granting a superfluity of lines; as in the case of Wilts and Dorset. In 1844-5, the Great Western and the South Western Companies projected rival systems of lines, supplying these and parts of the adjacent counties. The Board of Trade, "asserting that there was not sufficient traffic to remunerate an outlay for two independent railways," reported in favour of the Great Western schemes; and bills were granted for them: a certain agreement, suggested by the Board of Trade, being at the same time made with the South Western, which, in

return for specified advantages, conceded this district to its rival. Notwithstanding this agreement, the South Western, in 1847, projected an extension calculated to take most of the traffic from the Great Western extensions; and in 1848, Parliament, though it had virtually suggested this agreement, and though the Great Western Company had already spent a million and a half in part execution of the new lines, authorized the South Western project. The result was, that the Great Western Company suspended their works; the South Western Company were unable, from financial difficulties, to proceed with theirs; the district has remained for years unaccommodated; and only since the powers granted to the South Western have expired from delay, has the Great Western recommenced its long-suspended undertakings.

And if this undue multiplication of supplementary lines has often directly decreased the facilities of communication, still more has it done this indirectly, by maintaining the cost of travelling on the main lines. Little as the public are conscious of the fact, it is nevertheless true, that they pay for the accommodation of unremunerative districts, by high fares in remunerative districts. Before this reckless branch-making commenced, 8 and 9 per cent. were the dividends returned by our chief railways; and these dividends were rapidly increasing. The maximum dividend allowed by their Acts is 10 per cent. Had there not been unprofitable extensions, this maximum would have been reached many years since; and in the absence of the power to undertake new works, the fact that it had been reached could not have been hidden. Lower rates for goods and passengers would necessarily have followed. These would have caused much additional traffic; and with the aid of the natural increase otherwise going on, the maximum would shortly again have been reached. There can scarcely be a doubt that repetitions of this process would, before now, have reduced the fares and

freights on our main lines by at least one-third. This reduction, be it remembered, would have affected those railways which subserve commercial and social intercourse in the greatest degree—would, therefore, have applied to the most important part of the traffic throughout the kingdom. As it is, however, this greater proportion of the traffic has been heavily taxed for the benefit of the smaller proportion. That the tens who travel on branches might have railway communication, the hundreds who travel along main lines have been charged 30, or 40 per cent. extra. Nay, worse: that these few might be accommodated, the many who would have been brought on to the main lines by lower fares have gone unaccommodated. Is it then so clear that undertakings which have been disastrous to shareholders have yet been beneficial to the public?

But it is not only in greater cost of transit that the evil has been felt; it has been felt also in diminished safety. The multiplication of railway accidents, which has of late years drawn so much attention, has been in no inconsiderable degree caused by the extension policy. The relation is not obvious; and we had ourselves no conception that such a relation existed, until the facts illustrative of it were furnished to us by a director who had witnessed the whole process of causation. When preference-share dividends and guarantees began to make large draughts upon half-yearly returns—when original stock was greatly depreciated, and the dividends upon it fell from 9 and 8 per cent. to $4\frac{1}{2}$ and 4 and $3\frac{1}{2}$, great dissatisfaction necessarily arose among shareholders. There were stormy meetings, motions of censure, and committees of investigation. Retrenchment was the general cry; and retrenchment was carried to a most imprudent extent. Directors with an indignant proprietary to face, and under the fear that their next dividend would be no greater, perhaps less, than the last, dared not to lay out money for the needful repairs.

Permanent way, reported to them as requiring to be replaced, was made to serve awhile longer. Old rolling stock was not superseded by new to the proper extent; nor increased in proportion to the demand. Committees, appointed to examine where the expenditure could be cut down, went round discharging a porter here, dispensing with a clerk there, and diminishing the salaries of the officials in general. To such a length was this policy carried, that in one case, to effect a saving of £1200 per annum, the working staff was so crippled as to cause, in the course of a few years, a loss of probably £100,000: such, at least, is the opinion of the gentleman on whose authority we make this statement, who was himself one of the retrenchment committee. What, now, was the necessary result of all this? With the line out of condition; with engines and carriages neither sufficient in number nor in the best working order; with drivers, guards, porters, clerks, and the rest, decreased to the smallest number with which it was possible to work; with inexperienced managers in place of the experienced ones driven away by reduced salaries; what was likely to occur? Was it not certain that an apparatus of means just competent to deal with the ordinary traffic, would be incompetent to deal with extraordinary traffic? that a decimated body of officials under inferior regulation, would fail in the emergencies sure from time to time to occur? that with way and works and rolling stock all below par, there would occasionally be a concurrence of small defects, permitting something to go wrong? Was not a multiplication of accidents inevitable? No one can doubt it. And if we trace back this result step by step to its original cause—the reckless expenditure on new lines—we shall see further reason to doubt whether such expenditure has been as advantageous to the public as is supposed. We shall hesitate to indorse the opinion of the Select Committee on Railway and Canal Bills, that it is de-

sirable "to increase the facility for obtaining lines of local convenience."

Still more doubtful becomes the alleged benefit accruing to the public from extensions which cause loss to shareholders, when, from considering the question as one of traffic, we turn to consider it as a general commercial question—a question of political economy. Were there no facts showing that the travelling facilities gained were counterbalanced, if not more than counterbalanced, by the travelling facilities lost; we should still contend that the making of branches which do not return fair dividends, is a national evil, and not a national good. The prevalent error committed in studying matters of this nature, consists in looking at them separately, rather than in connexion with other social wants and social benefits. Not only does one of these undertakings, when executed, affect society in various ways, but the effort put forth in the execution of it affects society in various ways; and to form a true estimate, the two sets of results must be compared. The axiom that "action and re-action are equal, and in opposite directions," is true, not only in mechanics —it is true everywhere. No power can be put forth by a nation to achieve a given end, without producing, for the time being, a corresponding inability to achieve some other end. No amount of capital can be abstracted for one purpose, without involving an equivalent lack of capital for another purpose. Every advantage wrought out by labour, is purchased by the relinquishment of some alternative advantage which that labour might else have wrought out. In judging, therefore, of the benefits flowing from any public undertaking, it is requisite to consider them not by themselves, but as compared with the benefits which the invested capital would otherwise have secured. But how can these relative benefits be measured? it may be asked. Very simply. The rate of interest which the capital will bring as thus respectively

employed, is the measure. Money which, if used for a certain end, gives a smaller return than it would give if otherwise used, is used disadvantageously, not only to its possessors, but to the community. This is a corollary from the commonest principles of political economy—a corollary so obvious that we can scarcely understand how, after the free-trade controversy, a committee, numbering among its members Mr. Bright and Mr. Cardwell, should have overlooked it. Have we not been long ago taught, that in the mercantile world capital goes where it is most wanted—that the business which is at any time attracting capital by unusually high returns, is a business proved by that very fact to be unusually active—that its unusual activity shows society to be making great demands upon it; giving it high profits; wanting its commodities or services more than other commodities or services? Do not comparisons among our railways demonstrate that those paying large dividends are those subserving the public needs in a greater degree than those paying small dividends? and is it not obvious that the efforts of capitalists to get these large dividends led them to supply the greater needs before the lesser needs? Surely, the same law which holds in ordinary commerce, and also holds between one railway investment and another, holds likewise between railway investments and other investments. If the money spent in making branches and feeders is yielding an average return of from 1 to 2 per cent.; while if employed in land-draining or ship-building, it would return 4 or 5 per cent.; it is a conclusive proof that money is more wanted for land-draining and ship-building than for branch-making. And the general conclusions to be drawn are, that that large proportion of railway capital which does not pay the current rate of interest, is capital ill laid out; that if the returns on such proportion were capitalized at the current rate of interest, the resulting sum would represent its real value; and that

the difference between this sum and the amount expended, would indicate the national loss—a loss which, on the lowest estimate, would exceed £100,000,000. And however true it may be that the sum invested in unprofitable lines will go on increasing in productiveness; yet as, if more wisely invested, it would similarly have gone on increasing in productiveness, perhaps even at a greater rate, this vast loss must be regarded as a permanent and not as a temporary one.

Again then, we ask, is it so obvious that undertakings which have been disastrous to shareholders have been advantageous to the public? Is it not obvious, rather, that, in this respect, as in others, the interests of shareholders and the public are in the end identical? And does it not seem that instead of recommending "increased facilities for obtaining lines of local convenience," the Select Committee might properly have reported that the existing facilities are abnormally great, and should be decreased?

There remains still to be considered the other of the two objections above stated as liable to be raised against the proposed interpretation of the proprietary contract—the objection, namely, that it would be a serious hindrance to railway enterprise. After what has already been said, it is scarcely needful to reply, that the hindrance would be no greater than is natural and healthful—no greater than is requisite to hold in check the private interests at variance with public ones. This notion that railway enterprise will not go on with due activity without artificial incentives—that bills for local extensions "rather need encouragement," as the Committee say, is nothing but a remnant of protectionism. The motive which has hitherto led to the formation of all independent railway companies—the search of capitalists for good investments—may safely be left to form others as fast as local requirements become great enough to promise fair returns—as fast, that is, as local requirements

should be satisfied. This would be manifest enough without illustration; but there are facts proving it.

Already we have incidentally referred to the circumstance, that it has of late become common for landowners, merchants, and others locally interested, to get up railways for their own accommodation, which they do not expect to pay satisfactory dividends; and in which they are yet content to invest considerable sums, under the belief that the indirect profits accruing to them from increased facilities of traffic, will outbalance the direct loss. To so great an extent is this policy being carried that, as stated to the Select Committee, "in Yorkshire and Northumberland, where branch lines are being made through mere agricultural districts, the landowners are *giving their land* for the purpose, and taking shares." With such examples before us, it cannot rationally be doubted that there will always be capital forthcoming for making local lines as soon as the sum of the calculated benefits, direct and indirect, justifies its expenditure.

"But," it will be urged, "a branch that would be unremunerative as an independent property, is often remunerative to the company which has made it, in virtue of the traffic it brings to the trunk line. Though yielding meagre returns on its own capital, yet, by increasing the returns on the capital of the trunk line, it compensates, or more than compensates. Were the existing company, however, forbidden to extend its undertaking, such a branch would not be made; and injury would result." This is all true, with the exception of the last assertion, that such a branch would not be made. Though in its corporate capacity the company owning the trunk line would be unable to execute a work of this nature, there would be nothing to prevent individual shareholders in the trunk line from uniting to execute it; and were the prospects as favourable as is assumed, this course, being manifestly advantageous to individual shareholders, would be pursued by many of them. If, acting in concert with others similarly circum-

stanced, the owner of £10,000 worth of stock in the trunk line, could aid the carrying out of a proposed feeder promising to return only 2 per cent. on its cost, by taking shares to the extent of £1000, it would answer his purpose to do this, providing the extra traffic it brought would raise the trunk-line dividend by one-fourth per cent. Thus, under a limited proprietary contract, companies would still, as now, foster extensions where they were wanted: the only difference being that, in the absence of guaranteed dividends, due caution would be shown; and the poorer shareholders would not, as at present, be sacrificed to the richer.

In brief, our position is, that whenever, by the efforts of all parties to be advantaged—local landowners, manufacturers, merchants, trunk-line shareholders, &c., the capital for an extension can be raised—whenever it becomes clear to all such, that their indirect profits plus their direct profits will make the investment a paying one; the fact is proof that the line is wanted. On the contrary, whenever the prospective gains to those interested are insufficient to induce them to undertake it, the fact is proof that the line is not wanted so much as other things are wanted, and therefore *ought not to be made.* Instead, then, of the principle we advocate being objectionable as a check to railway enterprise, one of its merits is, that by destroying the artificial incentives to such enterprise, it would confine it within normal limits.

A perusal of the evidence given before the Select Committee will show that it has sundry other merits, which we have space only to indicate.

It is estimated by Mr. Laing—and Mr. Stephenson, while declining to commit himself to the estimate, "does not believe he has overstated it,"—that out of the £280,000,000 already raised for the construction of our railways, £70,000,000 has been needlessly spent in contests, in duplicate lines, in "the multiplication of an immense number of schemes prosecuted at an almost reckless

expense;" and Mr. Stephenson believes that this sum is "a very inadequate representative of the actual loss in point of convenience, economy, and other circumstances connected with traffic, which the public has sustained by reason of parliamentary carelessness in legislating for railways." Under an equitable interpretation of the proprietary contract, the greater part of this would have been avoided.

The competition between rival companies in extension and branch-making, which has already done vast injury, and the effects of which, if not stopped, will, in the opinion of Mr. Stephenson, be such that "property now paying 5½ per cent. will in ten years be worth only 3 per cent., and that on twenty-one millions of money"—this competition could never have existed in its intense and deleterious form under the limiting principle we advocate.

Prompted by jealousy and antagonism, our companies have obtained powers for 2000 miles of railway which they have never made. The millions thus squandered in surveys and parliamentary contests—"food for lawyers and engineers"—would nearly all have been saved, had each supplementary line been obtainable only by an independent body of proprietors with no one to shield them from the penalties of reckless scheming.

It is admitted that the branches and feeders constructed from competitive motives have not been laid out in the best directions for the public. To defeat, or retaliate upon, opponents, having been one of the ends—often the chief end—in making them, routes have been chosen especially calculated to effect this end; and the local traffic has in consequence been ill provided for. Had these branches and feeders, however, been left to the enterprise of their respective districts, aided by such other enterprise as they could attract, the reverse would have been the fact; seeing that on the average, in these smaller cases as in the greater ones, the routes which most accommodate the public must be the routes most profitable to projectors.

Were the illegitimate competition in extension-making

done away, there would remain between companies just that normal competition which is advantageous to all. It is not true, as is alleged, that there cannot exist between railways a competition analogous to that which exists between traders. The evidence of Mr. Saunders, the secretary of the Great Western Company, proves the contrary. He shows that where the Great Western and the North Western railways communicate with the same towns, as at Birmingham and Oxford, each has tacitly adopted the fare which the other was charging; and that while there is thus no competition in fares, there is competition in speed and accommodation. The results are, that each takes that portion of the traffic which, in virtue of its position and local circumstances, naturally falls to its share; that each stimulates the other to give the greatest advantages it can afford; and that each keeps the other in order by threatening to take away its natural share of the traffic if, by ill-behaviour or inefficiency, it counterbalances the special advantages it offers. Now, this is just the form which competition eventually assumes between traders. After it has been ascertained by underselling what is the lowest remunerative price at which any commodity can be sold, the general results are, that that becomes the established price; that each trader is content to supply those only who, from proximity or other causes, naturally come to him; and that only when he treats his customers ill, need he fear that they will inconvenience themselves by going elsewhere for their goods.

Is there not, then, pressing need for an amendment of the laws affecting the proprietary contract—an amendment which shall transform it from an unlimited into a limited contract; or rather—not *transform* it into such, but *recognize* it as such? If there be truth in our argument, the absence of any limitation has been the chief cause of the manifold evils of our railway administration. The share-trafficking

of directors; the complicated intrigues of lawyers, engineers, contractors, and others; the betrayal of proprietaries—all the complicated corruptions which we have detailed, have primarily arisen from it, have been made possible by it. It has rendered travelling more costly and less safe than it would have been; and while apparently facilitating traffic, has indirectly hindered it. By fostering antagonism, it has led to the ill laying-out of supplementary lines; to the wasting of enormous sums in useless parliamentary contests; to the loss of an almost incredible amount of national capital in the making of railways for which there is no due requirement. Regarded in the mass, the investments of shareholders have been reduced by it to less than half the average productiveness which such investments should possess; and, as all authorities admit, railway property is, even now, kept below its real value, by the fear of future depreciations consequent on future extensions. Considering, then, the vastness of the interests at stake—considering that the total capital of our companies will soon reach £300,000,000—considering, on the one hand, the immense number of persons owning this capital (many of them with no incomes but what are derived from it), and, on the other hand, the great extent to which the community is concerned, both directly as to its commercial facilities, and indirectly as to the economy of its resources—considering all this, it becomes extremely important that railway property should be placed on a secure footing, and railway enterprise confined within normal bounds. The change is demanded alike for the welfare of shareholders and the public. No charge of over-legislation can be brought against it. It is simply an extension to joint-stock contracts, of the principle applied to all other contracts; it is merely a fulfilment of the State's judicial function in cases hitherto neglected; it is nothing but a better administration of justice.

Postscript.—That the proprietary contract should be

strictly adhered to, and no undertakings beyond those specified in the deed of incorporation entered upon, is a doctrine unpalatable to those in authority. A friend who, as chairman of one of our great railway-companies, has been familiar with railway-politics and parliamentary usages in connexion with them, contends that such a restrictive interpretation would be unworkable; and, further, that the legislature would never allow itself to be shackled in the implied way.

That he is right in the last of these assertions I think highly probable. In face of the currently accepted dogma that an Act of Parliament can do anything, it is foolish to expect that Parliament would, by ethical considerations, be restrained from breaking contracts and authorizing the breaking of contracts. When we see this dogma habitually acted upon to the extent of trampling under foot State-guarantees (as in the case of those who purchased land under the Irish Encumbered Estates Act, or as in the case of agreements originally entered into with companies to confer on them certain powers under certain conditions) it would be absurd to suppose that any tender regard for the claims of dissentient proprietors would deter the ruling body from cancelling the understanding under which shareholders consented to co-operate. Men must be much more conscientious than they are before any such check is likely to be effective.

To the other objection—that such a restriction would entail an unworkable complication—I entirely demur. That its consequences would be awkward under our present form of railway-administration may be true; but it is also true that had such a restriction been insisted on, another and better form of railway-administration would have arisen. This will probably be thought an unwarranted assertion. Nevertheless I make it with some confidence, since the form of administration to which I refer is one which was, in a different guise, contemplated when railways

were originally authorized. To those whose only conception of the mode of carrying on railway-traffic is that derived from their daily observations, this will be an incomprehensible statement; but those who remember how railways were originally intended to be used will know what I mean.

Novel schemes are always more or less shaped by old habits. At the time when the first railways were authorized, the experience men had of coach-travelling on high roads, affected in various ways the structures of the new appliances and the natures of the new arrangements. The railway gauge was determined by the width between the wheels of a stage-coach. Early first-class carriages were made to appear like the central parts of three stage-coaches joined together: preserving their convex panels and curved outlines, and frequently having, on the centre one, the words "*Tria juncta in uno.*" The inside of the first-class carriage was fitted up to resemble the inside of a stage-coach; and the original second-class carriage, having bare wooden seats over which, on vertical iron rods, was supported a roof allowing the wind and rain to blow through from side to side, was so designed as to be scarcely more comfortable than the outside of a coach. For some years the guard had a seat on the outside, at the end of a carriage, as on a coach; and for many years the luggage, covered with tarpaulin, was placed on the roofs of carriages, as on the outsides of coaches. Once more the booking-offices were at first like the booking-offices for stage-coaches —places where passengers entered their names to secure seats. Little as the fact is now recognized, this kinship of ideas extended to the contemplated arrangements for working. Men thought that traffic on railways might be carried on after the same manner as traffic on high roads. It was assumed that on lines of rails, where the passing of vehicles going in the same direction is impracticable, the system pursued might be like that in use on high roads,

where vehicles can pass and re-pass in any direction and join or leave the stream at will. Does the reader ask proof of this? The proof lies in the fact, well-known to those who were adult in the early days of railways, that in the office or waiting-room of every railway-station was fixed up a table of tolls, like that which was fixed up at every toll-gate; but in this case specifying the rate chargeable per mile for all things carried—passengers, horses, cattle, goods, &c. This table of tolls implied that it was within the power of others besides the company to run vehicles on the company's line, and pay them at such and such rates for the privilege of doing so—a privilege which, so far as I know, was never made use of, for the sufficient reason that it would have been impossible to carry on business amid the confusion which would have resulted.

But while this arrangement, in the form implied, would have been impracticable, it foreshadows an arrangement which would have been practicable; and one which would have grown up had each railway company been limited to the undertaking specified in its deed of incorporation. After experience of inefficient co-operation, when so many independent bodies owning branches and extensions had to adjust their train services, &c., there would, in all probability, have been formed what we may call running-companies or traffic-companies, separate from the original railway-companies. Each one of these would have proposed to the companies owning the various main lines, extensions, and branches, within some large district conveniently delimited, to undertake the working of their various lines: either taking them severally on lease, or agreeing to give a specified share of the net returns annually received, or agreeing to pay certain tolls for passengers and goods. Under such an arrangement the original companies, standing in the position of landlords, would have had for their chief business to keep the embankments, cuttings, bridges, permanent way, stations, &c., in working

order; while the running-companies, standing in the position of tenants, but owning the rolling-stock, would have had for their business to conduct the passenger and goods traffic throughout the whole area, with power to arrange the workings of the various subdivisions of the system in a harmonious manner. Clearly, if there is an advantage in division of labour in other cases, there would have been an advantage in this case. The fixed works constituting each of these inter-connected railways would have been kept in more perfect repair, had preservation of them been the exclusive business of the companies owning them; while the running-companies, with nothing to attend to beyond the keeping in order of their rolling-stock and the management of train-services &c. would have done this more satisfactorily.

A further reason for believing that better results would have been achieved than are now achieved, is that under such circumstances there would have been no absorption of directors' time in carrying on railway-wars and getting new acts of parliament—a business which, under the existing system, has chiefly occupied the attention of boards.

The enforcement of equitable arrangements is often fraught with unanticipated benefits; and there seems reason to think that unanticipated benefits would have resulted in this case also.

## THE MORALS OF TRADE.

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We are not about to repeat, under the above title, the often-told tale of adulterations: albeit, were it our object to deal with this familiar topic, there are not wanting fresh materials. It is rather the less-observed and less-known dishonesties of trade, to which we would here draw attention. The same lack of conscientiousness which shows itself in the mixing of starch with cocoa, in the dilution of butter with lard, in the colouring of confectionery with chromate of lead and arsenite of copper, must of course come out in more concealed forms; and these are nearly, if not quite, as numerous and as mischievous.

It is not true, as many suppose, that only the lower classes of the commercial world are guilty of fraudulent dealing. Those above them are to a great extent blameworthy. On the average, men who deal in bales and tons differ but little in morality from men who deal in yards and pounds. Illicit practices of every form and shade, from venial deception up to all but direct theft, may be brought home to the higher grades of our commercial world. Tricks innumerable, lies acted or uttered, elaborately-devised frauds, are prevalent:

many of them established as "customs of the trade;" nay, not only established, but defended.

Passing over, then, the much-reprobated shopkeepers, of whose delinquencies most people know something, let us turn our attention to the delinquencies of the classes above them in the mercantile scale.

The business of wholesale houses—in the clothing-trades at least—is chiefly managed by a class of men called "buyers." Each wholesale establishment is usually divided into several departments; and at the head of each department is placed one of these functionaries. A buyer is a partially-independent sub-trader. At the beginning of the year he is debited with a certain share of the capital of his employers. With this capital he trades. From the makers he orders for his department such goods as he thinks will find a market; and for the goods thus bought he obtains as large a sale as he can among the retailers of his connexion. The accounts show at the end of the year what profit has been made on the capital over which he has command; and, according to the result, his engagement is continued—perhaps at an increased salary—or he is discharged.

Under such circumstances, bribery would hardly be expected. Yet we learn, on unquestionable authority, that buyers habitually bribe and are bribed. Giving presents, as a means of obtaining custom, is an established practice between them and all with whom they have dealings. Their connexions among retailers they extend by treating and favours; and they are themselves influenced in their purchases by like means. It might be presumed that self-interest would in both cases negative this. But apparently, no very obvious sacrifice results from yielding to such influences. When, as usually happens, there are many manufacturers producing articles of like goodness at the same prices, or many buyers between whose commodities and whose terms there is little room for choice, there exists no

motive to purchase of one rather than another; and then the temptation to take some immediate bonus turns the scale. Whatever be the cause, however, the fact is testified to us alike in London and the provinces. By manufacturers, buyers are sumptuously entertained for days together, and are plied throughout the year with hampers of game, turkeys, dozens of wine, etc.: nay, they receive actual money-bribes; sometimes, as we hear from a manufacturer, in the shape of bank-notes, but more commonly in the shape of discounts on the amounts of their purchases. The extreme prevalence—universality we might say—of this system, is proved by the evidence of one who, disgusted as he is, finds himself inextricably entangled in it. He confessed to us that all his transactions were thus tainted. "Each of the buyers with whom I deal," he said, "expects an occasional bonus in one form or other. Some require the bribe to be wrapped up; and some take it without disguise. To an offer of money, this one replies—'Oh, I don't like that sort of thing,' but nevertheless, does not object to money's-worth; while my friend So-and-so, who promises to bring me a large trade this season, will, I very well know, look for one per cent. discount in cash. The thing is not to be avoided. I could name sundry buyers who look askance at me, and never will inspect my goods; and I have no doubt about the cause—I have not bought their patronage." And then our informant appealed to another of the trade, who agreed in the assertion that in London their business could not be done on any other terms. So greedy do some of these buyers become, that their perquisites absorb a great part of the profits, and make it a question whether it is worth while to continue the dealing with them. Next, as above hinted, there comes a like history of transactions between buyers and retailers—the bribed being now the bribers. One of those above referred to as habitually expecting douceurs, said to the giver of them, whose testimony we have just repeated — "I've spent pounds and pounds over ——

(naming a large tailor), and now I think I have gained him over." To which confession this buyer added the complaint, that his house did not make him any allowance for sums thus disbursed.

Under the buyer, who has absolute control of his own department in a wholesale house, come sundry assistants, who transact the business with retail traders; much as retail trader's assistants transact the business with the general public. These higher-class assistants, working under the same pressure as the lower, are similarly unscrupulous. Liable to prompt dismissal as they are for failure in selling; gaining higher positions as they do in proportion to the quantities of goods they dispose of at profitable rates; and finding that no objections are made to any dishonest artifices they use, but rather that they are applauded for them; these young men display a scarcely credible demoralization. As we learn from those who have been of them, their duplicity is unceasing—they speak almost continuous falsehood; and their tricks range from the simplest to the most Machiavellian. Take a few samples. When dealing with a retailer, it is an habitual practice to bear in mind the character of his business; and to delude him respecting articles of which he has least experience. If his shop is in a neighbourhood where the sales are chiefly of inferior goods (a fact ascertained from the traveller), it is inferred that, having a comparatively small demand for superior goods, he is a bad judge of them; and advantage is taken of his ignorance. Again, it is usual purposely to present samples of cloths, silks, etc., in such order as to disqualify the perceptions. As, when tasting different foods or wines, the palate is disabled by something strongly flavoured, from appreciating the more delicate flavour of another thing afterwards taken; so with the other organs of sense, a temporary disability follows an excessive stimulation. This holds not only with the eyes in judging of colours, but also, as we are told by one who has been in the trade, it holds with the fingers in judging of textures; and cunning

salesmen are in the habit of thus partially paralysing the customers' perceptions, and then selling second-rate articles as first-rate ones. Another common manœuvre is that of raising a false belief of cheapness. Suppose a tailor is laying in a stock of broad cloths. He is offered a bargain. Three pieces are put before him—two of good quality, at, perhaps, 14*s.* per yard; and one of much inferior quality, at 8*s.* per yard. These pieces have been purposely a little tumbled and creased, to give an apparent reason for a pretended sacrifice upon them. And the tailor is then told that he may have these nominally-damaged cloths as "a job lot," at 12*s.* per yard. Misled by the appearances into a belief of the professed sacrifice; impressed, moreover, by the fact that two of the pieces are really worth considerably more than the price asked; and not sufficiently bearing in mind that the great inferiority of the third just balances this; the tailor probably buys; and he goes away with the comfortable conviction that he has made a specially-advantageous purchase, when he has really paid the full price for every yard. A still more subtle trick has been described to us by one who himself made use of it, when engaged in one of these wholesale-houses—a trick so successful that he was often sent for to sell to customers who could be induced to buy by none other of the assistants, and who ever afterwards would buy only of him. His policy was to seem extremely simple and honest, and, during the first few purchases, to exhibit his honesty by pointing out defects in the things he was selling; and then, having gained the customer's confidence, he proceeded to pass off upon him inferior goods at superior prices. These are a few out of the various manœuvres in constant practice. Of course there is a running accompaniment of falsehoods, uttered as well as acted. It is expected of the assistant that he will say whatever is needed to effect a sale. "Any fool can sell what is wanted," said a master in reproaching a shopman for not having persuaded a customer to buy something quite unlike that which he asked

for. And the unscrupulous mendacity thus required by employers, and encouraged by example, grows to a height of depravity that has been described to us in words too strong to be repeated. Our informant was obliged to relinquish his position in one of these establishments, because he could not lower himself to the required depth of degradation. "You don't lie as though you believe what you say," observed one of his fellow-assistants. And this was uttered as a reproach!

As those subordinates who have fewest qualms of conscience are those who succeed the best, are soonest promoted to more remunerative posts, and have therefore the greatest chances of establishing businesses of their own; it may be inferred that the morality of the heads of these establishments, is much on a par with that of their *employés*. The habitual malpractices of wholesale houses, confirm this inference. Not only, as we have just seen, are assistants under a pressure impelling them to deceive purchasers respecting the qualities of the goods they buy, but purchasers are also deceived in respect to the quantities; and that, not by an occasional unauthorized trick, but by an organized system, for which the firm itself is responsible. The general practice is to make up goods, or to have them made up, in lengths that are shorter than they profess to be. A piece of calico nominally thirty-six yards long, never measures more than thirty-one yards—is understood throughout the trade to measure only so much. And the long-accumulating delinquencies which this custom indicates—the successive diminutions of length, each introduced by some adept in dishonesty, and then imitated by his competitors—are now being daily carried to a still greater extent, wherever they are not likely to be immediately detected. Articles that are sold in small bundles, knots, packets, or such forms as negative measurement at the time of sale, are habitually deficient in quantity. Silk-laces called six quarters, or fifty-four

inches, really measure four quarters, or thirty-six inches. Tapes were originally sold in grosses containing twelve knots of twelve yards each; but these twelve-yard-knots are now cut of all lengths, from eight yards down to five yards, and even less—the usual length being six yards. That is to say, the 144 yards which the gross once contained, has now in some cases dwindled down to 60 yards. In widths, as well as in lengths, this deception is practised. French cotton-braid, for instance (French only in name), is made of different widths; which are respectively marked 5, 7, 9, 11, etc.: each figure indicating the number of threads of cotton which the width includes, or rather should include, but does not. For those which should be marked 5 are marked 7; and those which should be marked 7 are marked 9: out of three samples from different houses shown to us by our informant, only one contained the alleged number of threads. Fringe, again, which is sold wrapped on card, will often be found two inches wide at the end exposed to view, but will diminish to one inch at the end next the card; or perhaps the first twenty yards will be good, and all the rest, hidden under it, will be bad. These frauds are committed unblushingly, and as a matter of business. We have ourselves read in an agent's order-book, the details of an order, specifying the actual lengths of which the articles were to be cut, and the much greater lengths to be marked on the labels. And we have been told by a manufacturer who was required to make up tapes into lengths of fifteen yards, and label them "warranted 18 yards," that when he did not label them falsely, his goods were sent back to him; and that the greatest concession he could obtain was to be allowed to send them without labels.

It is not to be supposed that in their dealings with manufacturers, these wholesale-houses adopt a code of morals differing much from that which regulates their dealings with retailers. The facts prove it to be much the

same. A buyer for instance (who exclusively conducts the purchases of a wholesale-house from manufacturers) will not unfrequently take from a first-class maker, a small supply of some new fabric, on the pattern of which much time and money have been spent; and this new-pattern fabric he will put into the hands of another maker, to have copied in large quantities. Some buyers, again, give their orders orally, that they may have the opportunity of afterwards repudiating them if they wish; and in a case narrated to us, where a manufacturer who had been thus deluded, wished on a subsequent occasion to guarantee himself by obtaining the buyer's signature to his order, he was refused it. For other unjust acts of wholesale-houses, the heads of these establishments are, we presume, responsible. Small manufacturers working with insufficient capital, and in times of depression not having the wherewith to meet their engagements, are often obliged to become dependants on the wholesale-houses with which they deal; and are then cruelly taken advantage of. One who has thus committed himself, has either to sell his accumulated stock at a great sacrifice—thirty to forty per cent. below its value—or else to mortgage it; and when the wholesale-house becomes the mortgagee, the manufacturer has little chance of escape. He is obliged to work at the wholesale-dealer's terms; and ruin almost certainly follows. This is especially the case in the silk-hosiery business. As was said to us by one of the larger silk-hosiers, who had watched the destruction of many of his smaller brethren—"They may be spared for a time as a cat spares a mouse; but they are sure to be eaten up in the end." And we can the more readily credit this statement from having found that a like policy is pursued by some provincial curriers in their dealings with small shoe-makers; and also by hop-merchants and maltsters in their dealings with small publicans. We read that in Hindostan the ryots, when crops fall short, borrow from the Jews to buy seed; and

once in their clutches are doomed. It seems that our commercial world can furnish parallels.

Of another class of wholesale-traders—those who supply grocers with foreign and colonial produce—we may say that though, in consequence of the nature of their business, their malpractices are less numerous and multiform, as well as less glaring, they bear the same stamp as the foregoing. Unless it is to be supposed that sugar and spices are moral antiseptics as well as physical ones, it must be expected that wholesale dealers in them will transgress much as other wholesale dealers do, in those directions where the facilities are greatest. And the truth is that, both in the qualities and quantities of the articles they sell, they take advantage of the retailers. The descriptions they give of their commodities are habitually misrepresentations. Samples sent round to their customers are characterized as first-rate when they are really second-rate. The travellers are expected to endorse these untrue statements; and unless the grocer has adequate keenness and extensive knowledge, he is more or less deceived. In some cases, indeed, no skill will save him. There are frauds that have grown up little by little into customs of the trade, which the retailer must submit to. In the purchase of sugar, for example, he is imposed on in respect alike of the goodness and the weight. The history of the dishonesty is this. Originally the tare allowed by the merchant on each hogshead, was 14 per cent. of the gross weight. The actual weight of the wood of which the hogshead was made, was at that time about 12 per cent. of the gross weight. And thus the trade-allowance left a profit of 2 per cent. to the buyer. Gradually, however, the hogshead has grown thicker and heavier; until now, instead of amounting to 12 per cent. of the gross weight, it amounts to 17 per cent. As the allowance of 14 per cent. still continues, the result is that the retail grocer loses 3 per cent.: to the extent of 3 per cent. he buys wood

in place of sugar. In the quality of the sugar, he is deluded by the practice of giving him a sample from the best part of the hogshead. During its voyage from Jamaica or elsewhere, the contents of a hogshead undergo a slow drainage. The molasses, of which more or less is always present, filters from the uppermost part of the mass of sugar to the lowermost part; and this lowermost part, technically known as the "foots," is of darker colour and smaller value. The quantity of it contained in a hogshead varies greatly; and the retailer, receiving a false sample, has to guess what the quantity of "foots" may be; and, to his cost, often under-estimates it. As will be seen from the following letter, copied from the *Public Ledger* for the 20th Oct., 1858, these grievances, more severe even than we have represented them, are now exciting an agitation.

"*To the Retail Grocers of the United Kingdom.*

"Gentlemen,—The time has arrived for the trade at once to make a move for the revision of tares on all raw sugars. Facts prove the evil of the present system to be greatly on the increase. We submit a case as under, and only one out of twenty. On the 30th August, 1858, we bought 3 hogsheads of Barbados, mark TG K

| Invoice Tares. | | | | | Re Tares. | | | |
|---|---|---|---|---|---|---|---|---|
| No. | cwt. | qrs. | lb. | lb. | No. | cwt. | qrs. | lb. |
| 1 . . . | 1 | 2 | 14 | 6 drft. | 1 . . | 1 | 3 | 27 |
| 7 . . . | 1 | 2 | 7 | | 7 . . | 1 | 3 | 20 |
| 3 . . . | 1 | 2 | 21 | | 3 . . | 1 | 3 | 27 |
| | 4 | 3 | 20 | | | 5 | 3 | 18 |
| | | | | Deduct . . . . . | | 4 | 3 | 20 |

| | | | | s. | £ | s. | d. |
|---|---|---|---|---|---|---|---|
| 0 | 3 | 26 | at | 42 | — 2 | 1 | 3 |

"We make a claim for £2. 1*s.* 3*d.*; we are told by the wholesale grocer there is no redress.

"There is another evil which the retail grocer has to contend with, that is, the mode of sampling raw sugars: the foots are excluded from the merchants' samples. Facts will prove that in thousands of hogsheads of Barbados this season there is an average of 5 cwt. of foots in each; we have turned out some with 10 cwt., which are at least 5*s.* per cwt. less value than sample, and in these cases we are told again there is no redress.

"These two causes are bringing hundreds of hard-working men to ruin

and will bring hundreds more unless the trade take it up, and we implore them to unite in obtaining so important a revision.

"We are, Gentlemen, your obedient servants,

"WALKER and STAINES.*

"Birmingham, October 19, 1858."

A more subtle method of imposition remains to be added. It is the practice of sugar-refiners to put moist, crushed sugar into dried casks. During the time that elapses before one of these casks is opened by the retailer, the desiccated wood has taken up the excess of water from the sugar; which is thus brought again into good condition. When the retailer, finding that the cask weighs much more than was allowed as tare by the wholesale dealer, complains to him of this excess, the reply is—"Send it up to us, and we will *dry it* and weigh it, as is the custom of the trade."

Without further detailing these malpractices, of which the above examples are perhaps the worst, we will advert only to one other point in the transactions of these large houses—the drawing-up of trade-circulars. It is the habit of many wholesale dealers to send round to their customers, periodic accounts of the past transactions, present condition, and prospects of the markets. Serving as checks on each other, as they do, these documents are prevented from swerving very widely from the truth. But it is scarcely to be expected that they should be quite honest. Those who issue them, being in most cases interested in the prices of the commodities referred to in their circulars, are swayed by their interests in the representations they make respecting the probabilities of the future. Far-seeing retailers are on their guard against this. A large provincial grocer, who thoroughly understands his business, said to us—"As a rule, I throw trade-circulars on the fire." And that this estimate of their trustworthiness is not unwarranted, we gather from the expressions of those engaged in other businesses. From two leather-dealers, one in the country and one in London, we have heard the same complaint

* The abuses described in this letter have now, we believe, been abolished.

against the circulars published by houses in their trade, that they are misleading. Not that they state untruths; but that they produce false impressions by leaving out facts which they should have stated.

In illustrating the morality of manufacturers, we shall confine ourselves to one class—those who work in silk. And it will be the most convenient method of arranging facts, to follow the silk through its various stages; from its state when imported, to its state when ready for the wearer.

Bundles of raw silk from abroad—not uncommonly weighted with rubbish, stones, or rouleaux of Chinese copper coin, to the loss of the buyer—are disposed of by auction. Purchases are made on behalf of the silk-dealers by "sworn brokers;" and the regulation is, that these sworn brokers shall confine themselves to their functions as agents. From a silk-manufacturer, however, we learn that they are currently understood to be themselves speculators in silk, either directly or by proxy; and that as thus personally interested in prices, they become faulty as agents. We give this, however, simply as a prevailing opinion, for the truth of which we do not vouch.

The silk bought by the London dealer, he sends into the manufacturing districts to be "thrown;" that is, to be made into thread fit for weaving. In the established form of bargain between the silk-dealer and the silk-throwster, we have a strange instance of an organized and recognized deception; which has seemingly grown out of a check on a previous deception. The throwing of silk is necessarily accompanied by some waste, from broken ends, knots, and fibres too weak to wind. This waste varies in different kinds of silk from 3 per cent. to 20 per cent.: the average being about 5 per cent. The per-centage of waste being thus variable, it is obvious that in the absence of restraint, a dishonest silk-throwster might abstract a portion of the silk; and, on returning the rest to the dealer, might plead

that the great diminution in weight had resulted from the large amount of loss in the process of throwing. Hence there has arisen a system, called "working on cost," which requires the throwster to send back to the dealer the same weight of silk which he receives: the meaning of the phrase being, we presume, that whatever waste the throwster makes must be at his own cost. Now, as it is impossible to throw silk without *some* waste—at least 3 per cent., and ordinarily 5 per cent.—this arrangement necessitates a deception; if, indeed, that can be called a deception which is tacitly understood by all concerned. The silk has to be weighted. As much as is lost in throwing, has to be made up by some foreign substance introduced. Soap is largely used for this. In small quantity, soap is requisite to facilitate the running of the threads in the process of manufacture; and the quantity is readily increased. Sugar also is used. And by one means or other, the threads are made to absorb enough matter to produce the desired weight. To this system all silk-throwsters are obliged to succumb; and some of them carry it to a great extent, as a means of hiding either carelessness or something worse.

The next stage through which silk passes, is that of dyeing. Here, too, impositions have grown chronic and general. In times past, as we learn from a ribbon-manufacturer, the weighting by water was the chief dishonesty. Bundles returned from the dyer's, if not manifestly damp, still, containing moisture enough to make up for a portion of the silk that had been kept back; and precautions had to be taken to escape losses thus entailed. Since then, however, there has arisen a method of deception which leaves this far behind—that of employing heavy dyes. The following details have been given us by a silk-throwster. It is now, he says, some five-and-thirty years since this method was commenced. Before that time silk lost a considerable part of its weight in the copper. The ultimate fibre of silk is coated, in issuing from the spinneret of the silk-worm, with

a film of varnish which is soluble in boiling water. In dyeing, therefore, this film, amounting to 25 per cent. of the entire weight of the silk, is dissolved off; and the silk is rendered that much lighter. So that originally, for every sixteen ounces of silk sent to the dyer's, only twelve ounces were returned. Gradually, however, by the use of heavy dyes, this result has been reversed. The silk now gains in weight; and sometimes to a scarcely credible extent. According to the requirement, silk is sent back from the dyer's of any weight, from twelve ounces to the pound up to forty ounces to the pound. The original pound of silk, instead of losing four ounces, as it naturally would, is actually, when certain black dyes are used, made to gain as much as twenty-four ounces! Instead of 25 per cent. lighter, it is returned 150 per cent. heavier—is weighted with 175 per cent. of foreign matter! Now as, during this stage of its manufacture, the transactions in silk are carried on by weight, it is manifest that in the introduction and development of this system, we have a long history of frauds. At present all in the trade are aware of it, and on their guard against it. Like other modes of adulteration, in becoming established and universal, it has ceased to be profitable to any one. But it still serves to indicate the morals of those concerned.

The thrown and dyed silk passes into the hands of the weaver; and here again we come upon dishonesties. Manufacturers of figured silks sin against their fellows by stealing their patterns. The laws which have been found necessary to prevent this species of piracy, show that it has been carried to a great extent. Even now it is not prevented. One who has himself suffered from it, tells us that manufacturers still get one another's designs by bribing the workmen. In their dealings with "buyers," too, some manufacturers resort to deceptions: perhaps tempted to do so by the desire to compensate themselves for the heavy tax paid in treating, etc. Goods which have already been seen

and declined by other buyers, are brought before a subsequent one with artfully-devised appearances of secrecy, accompanied by professions that these goods have been specially reserved for his inspection: a manœuvre by which an unwary man is sometimes betrayed. That the process of production has its delusions, scarcely needs saying. In the ribbon-trade, for example, there is a practice called "top-ending;" that is, making the first three yards good, and the rest (which is covered when rolled up) of bad or loose texture—80 "shutes" to the inch instead of 108. And then there comes the issuing of imitations made of inferior materials—textile adulterations as we may call them. This practice of debasement, not an occasional but an established one, is carried to a surprising extent, and with surprising rapidity. Some new fabric, first sold at 7*s.* 6*d.* per yard, is supplanted by successive counterfeits; until at the end of eighteen months a semblance of it is selling at 4*s.* 3*d.* per yard. Nay, still greater depreciations of quality and price take place—from 10*s.* down to 3*s.*, and even 2*s.* per yard. Until at length the badness of these spurious fabrics becomes so conspicuous, that they are unsaleable; and there ensues a reaction, ending either in the reintroduction of the original fabric, or in the production of some novelty to supply its place.

Among our notes of malpractices in trade, retail, wholesale, and manufacturing, we have many others that must be passed over. We cannot here enlarge on the not uncommon trick of using false trade-marks; or of imitating another maker's wrappers. We must be satisfied with simply referring to the doings of apparently-reputable houses, which purchase goods known to be dishonestly obtained. And we are obliged to refrain from particularizing certain established arrangements, existing under cover of the highest respectability, which seem intended to facilitate these nefarious transactions. The frauds we have detailed

are but samples of a state of things which it would take a volume to describe in full.

The further instances of trading-immorality which it seems desirable here to give, are those which carry with them a certain excuse: showing as they do how insensibly, and almost irresistibly, men are thrust into vicious practices. Always, no doubt, some utterly unconscientious trader is the first to introduce a new form of fraud. He is by-and-by followed by others who wear their moral codes but loosely. The more upright traders are continually tempted to adopt this questionable device which those around them are adopting. The greater the number who yield, and the more familiar the device becomes, the more difficult is it for the remainder to stand out against it. The pressure of competition upon them becomes more and more severe. They have to fight an unequal battle: debarred as they are from one of the sources of profit which their antagonists possess. And they are finally almost compelled to follow the lead of the rest. Take for example what has happened in the candle-trade. As all know, the commoner kinds of candles are sold in bunches, supposed to weigh a pound each. Originally, the nominal weight corresponded with the real weight. But at present the weight is habitually short by an amount varying from half an ounce to two ounces—is sometimes depreciated 12½ per cent. If, now, an honest chandler offers to supply a retailer at, say, six shillings for the dozen pounds, the answer he receives is—"Oh, we get them for five-and-eightpence." "But mine," replies the chandler, "are of full weight; while those you buy at five-and-eightpence are not." "What does that matter to me?" the retailer rejoins—"a pound of candles is a pound of candles: my customers buy them in the bunch, and won't know the difference between yours and another's." And the honest chandler, being everywhere met with this argument, finds that he must either make his bunches of short weight, or give up business. Take another case, which,

like the last, we have direct from the mouth of one who has been obliged to succumb. It is that of a manufacturer of elastic webbing, now extensively used in making boots, etc. From a London house with which he dealt largely, this manufacturer recently received a sample of webbing produced by some one else, accompanied by the question, "Can you make us this at —— per yard?" (naming a price below that at which he had before supplied them); and hinting that if he could not do so they must go elsewhere. On pulling to pieces the sample (which he showed to us), this manufacturer found that sundry of the threads which should have been of silk were of cotton. Indicating this fact to those who sent him the sample, he replied that, if he made a like substitution, he could furnish the fabric at the price named; and the result was that he eventually did thus furnish it. He saw that if he did not do so, he must lose a considerable share of his trade. He saw further, that if he did not at once yield, he would have to yield in the end; for that other elastic-webbing-makers would one after another engage to produce this adulterated fabric at correspondingly diminished prices; and that when at length he stood alone in selling an apparently-similar article at a higher price, his business would leave him. This manufacturer we have the best reasons for knowing to be a man of fine moral nature, both generous and upright; and yet we here see him obliged, in a sense, to implicate himself in one of these processes of vitiation. It is a startling assertion, but it is none the less a true one, that those who resist these corruptions often do it at the risk of bankruptcy; sometimes the certainty of bankruptcy. We do not say this simply as a manifest inference from the conditions, as above described. We say it on the warrant of instances which have been given to us. From one brought up in his house, we have had the history of a draper who, carrying his conscience into his shop, refused to commit the current frauds of the trade. He would not represent his

goods as of better quality than they really were; he would not say that patterns were just out, when they had been issued the previous season; he would not warrant to wash well, colours which he knew to be fugitive. Refraining from these and the like malpractices of his competitors; and, as a consequence, daily failing to sell various articles which his competitors would have sold by force of lying; his business was so unremunerative that he twice became bankrupt. And in the opinion of our informant, he inflicted more evil upon others by his bankruptcies, than he would have done by committing the usual trade-dishonesties. See, then, how complicated the question becomes; and how difficult to estimate the trader's criminality. Often—generally indeed—he has to choose between two wrongs. He has tried to carry on his business with strict integrity. He has sold none but genuine articles, and has given full measure. Others in the same business adulterate or otherwise delude, and are so able to undersell him. His customers, not adequately appreciating the superiority in the quality or quantity of his goods, and attracted by the apparent cheapness at other shops, desert him. Inspection of his books proves the alarming fact that his diminishing returns will soon be insufficient to meet his engagements, and provide for his increasing family. What then must he do? Must he continue his present course; stop payment; inflict heavy losses on his creditors; and, with his wife and children, turn out into the streets? Or must he follow the example of his competitors; use their artifices; and give his customers the same apparent advantages? The last not only seems the least detrimental to himself, but also may be considered the least detrimental to others. Moreover, the like is done by men regarded as respectable. Why should he ruin himself and family in trying to be better than his neighbours? He will do as they do.

Such is the position of the trader; such is the reasoning by which he justifies himself; and it is hard to visit him

with harsh condemnation. Of course this statement of the case is by no means universally true. There are businesses in which, competition being less active, the excuse for falling into corrupt practices does not hold; and here, indeed, we find corrupt practices much less prevalent. Many traders, too, have obtained connexions which secure to them adequate returns without descending to small rogueries; and they have no defence if they thus degrade themselves. Moreover, there are the men—commonly not prompted by necessity but by greed—who introduce these adulterations and petty frauds; and on these should descend unmitigated indignation: both as being themselves criminals without excuse, and as causing criminality in others. Leaving out, however, these comparatively small classes, most traders by whom the commoner businesses are carried on, must receive a much more qualified censure than they at first sight seem to deserve. On all sides we have met with the same conviction, that for those engaged in the ordinary trades there are but two courses—either to adopt the practices of their competitors, or to give up business. Men in different occupations and in different places—men naturally conscientious, who manifestly chafed under the degradations they submitted to, have one and all expressed to us the sad belief that it is impossible to carry on trade with strict rectitude. Their concurrent opinion, independently given by each, is that the scrupulously honest man must go to the wall.

But that it has been, during the past year, frequently treated by the daily press, we might here enter at some length on the topic of banking-delinquencies. As it is, we may presume all to be familiar with the facts, and shall limit ourselves to making a few comments.

In the opinion of one whose means of judging have been second to those of few, the directors of joint-stock-banks have rarely been guilty of direct dishonesty. Admitting

notorious exceptions, the general fact appears to be that directors have had no immediate interests in furthering these speculations which have proved so ruinous to depositors and shareholders; but have usually been among the greatest sufferers. Their fault has rather been the less flagitious, though still grave fault, of indifference to their responsibilities. Often with very inadequate knowledge they have undertaken to trade with property belonging in great part to needy people. Instead of using as much care in the investment of this property as though it were their own, many of them have shown culpable recklessness: either themselves loaning the entrusted capital without adequate guarantee, or else passively allowing their colleagues to do this. Sundry excuses may doubtless be made for them. The well-known defects of a corporate conscience, caused by divided responsibility, must be remembered in mitigation. And it may also be pleaded for such delinquents that if shareholders, swayed by reverence for mere wealth and position, choose as directors, not the most intelligent, the most experienced, and those of longest-tried probity, but those of largest capital or highest rank, the blame must not be cast solely on the men so chosen, but must be shared by the men who choose them. Nay, further, it must fall on the public as well as on shareholders; seeing that this unwise selection of directors is in part determined by the known bias of depositors. But after all allowances have been made, it must be admitted that these bank-administrators who risk the property of their clients by lending it to speculators, are near akin in morality to the speculators themselves. As these speculators risk other men's money in undertakings which they hope will be profitable; so do the directors who lend them the money. If these last plead that the money thus lent is lent with the belief that it will be repaid with good interest, the first may similarly plead that they expect their investment to return the borrowed capital along with a

handsome profit. In each case the transaction is one of which the evil consequences, if they come, fall more largely on others than on the actors. And though it may be contended, on behalf of the director, that what he does is done chiefly for the benefit of his constituents, whereas the speculator has in view only his own benefit; it may be replied that the director's blameworthiness is not the less because he took a rash step with a comparatively weak motive. The truth is that when a bank-director lends the capital of shareholders to those to whom he would not lend his own capital, he is guilty of a breach of trust. In tracing the gradations of crime, we pass from direct robbery to robbery one, two, three, or more degrees removed. Though a man who speculates with other people's money is not chargeable with direct robbery, he is chargeable with robbery one degree removed: he deliberately stakes his neighbour's property, intending to appropriate the gain, if any, and to let his neighbour suffer the loss, if any: his crime is that of contingent robbery. And hence any one who, standing like a bank-director in the position of trustee, puts the money with which he is entrusted into a speculator's hands, must be called an accessory to contingent robbery.

If so grave a condemnation is to be passed on those who lend trust-money to speculators, as well as on the speculators who borrow it, what shall we say of the still more delinquent class who obtain loans by fraud—who not only pawn other men's property when obtained, but obtain it under false pretences? For how else than thus must we describe the doings of those who raise money by accommodation-bills? When A and B agree, the one to draw and the other to accept a bill of £1000 for "value received;" while in truth there has been no sale of goods between them, or no value received; the transaction is not simply an embodied lie, but it becomes thereafter a living and active lie. Whoever discounts the bill, does so in the

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belief that B, having become possessed of £1000 worth of goods, will, when the bill falls due, have either the £1000 worth of goods or some equivalent, with which to meet it. Did he know that there were no such goods in the hands of either A or B, and no other property available for liquidating the bill, he would not discount it—he would not lend money to a man of straw without security. Had A taken to the bank a forged mortgage-deed, and obtained a loan upon it, he would not have committed a greater wrong. Practically, an accommodation-bill is a forgery. It is an error to suppose that forgery is limited to the production of documents that are *physically* false—that contain signatures or other symbols which are not what they appear to be: forgery, properly understood, equally includes the production of documents that are *morally* false. What constitutes the crime committed in forging a bank-note? Not the mere mechanical imitation. This is but a means to the end; and, taken alone, is no crime at all. The crime consists in deluding others into the acceptance of what seems to be a representative of so much money, but which actually represents nothing. It matters not whether the delusion is effected by copying the forms of the letters and figures, as in a forged bank-note, or by copying the form of expression, as in an accommodation-bill. In either case a semblance of value is given to that which has no value; and it is in giving this false appearance of value that the crime consists. It is true that generally, the acceptor of an accommodation-bill hopes to be able to meet it when due. But if those who think this exonerates him, will remember the many cases in which, by the use of forged documents, men have obtained possession of moneys which they hoped presently to replace, and were nevertheless judged guilty of forgery, they will see that the plea is insufficient. We contend, then, that the manufacturers of accommodation-bills should be classed as forgers. That if the law so classed them, much good would result, we are

not prepared to say. Several questions present themselves:—Whether such a change would cause inconvenience, by negativing the many harmless transactions carried on under this fictitious form by solvent men? Whether making it penal to use the words "value received," unless there *had* been value received, would not simply originate an additional class of bills in which these words were omitted? Whether it would be an advantage if bills bore on their faces proofs that they did or did not represent actual sales? Whether a restraint on undue credit would result, when bankers and discounters saw that certain bills coming to them in the names of speculative or unsubstantial traders, were avowed accommodation-bills? But these are questions we need not go out of our way to discuss. We are here concerned only with the morality of the question.

Duly to estimate the greatness of the evils indicated, however, we must bear in mind both that the fraudulent transactions thus entered into are numerous, and that each generally becomes the cause of others. The original lie is commonly the parent of further lies, which again give rise to an increasing progeny; and so on for successive generations, multiplying as they descend. When A and B find their £1000 bill about to fall due, and the expected proceeds of their speculation not forthcoming—when they find, as they often do, either that the investment has resulted in a loss instead of a gain; or that the time for realizing their hoped-for profits, has not yet come; or that the profits, if there are any, do not cover the extravagances of living which, in the meantime, they have sanguinely indulged in—when, in short, they find that the bill cannot be taken up; they resort to the expedient of manufacturing other bills with which to liquidate the first. And while they are about it, they usually think it will be as well to raise a somewhat larger sum than is required to meet their outstanding engagements. Unless it happens that great success enables

them to redeem themselves, this proceeding is repeated, and again repeated. So long as there is no monetary crisis, it continues easy thus to keep afloat; and, indeed, the appearance of prosperity which is given by an extended circulation of bills in their names, bearing respectable indorsements, creates a confidence in them which renders the obtainment of credit easier than at first. And where, as in some cases, this process is carried to the extent of employing men in different towns throughout the kingdom, and even in distant parts of the world, to accept bills, the appearances are still better kept up, and the bubble reaches a still greater development. As, however, all these transactions are carried on with borrowed capital, on which interest has to be paid; as, further, the maintenance of this organized fraud entails constant expenses, as well as occasional sacrifices; and as it is in the very nature of the system to generate reckless speculation; the fabric of lies is almost certain ultimately to fall; and, in falling, to ruin or embarrass others besides those who had given credit.

Nor does the evil end with the direct penalties from time to time inflicted on honest traders. There is also a grave indirect penalty which they suffer from the system. These forgers of credit are habitually instrumental in lowering prices below their natural level. To meet emergencies, they are obliged every now and then to sell goods at a loss: the alternative being immediate stoppage. Though with each such concern, this is but an occasional incident, yet, taking the whole number of them connected with any one business, it results that there are generally some who are making sacrifices—generally some who are unnaturally depressing the market. In short, the capital fraudulently obtained from some traders is, in part, dissipated in rendering the business of other traders deficiently remunerative: often to their serious embarrassment.

If, however, the whole truth must be said, the condemnation visited on these commercial vampires is not to be

confined to them; but is in some degree deserved by a much more numerous class. Between the penniless schemer who obtains the use of capital by false pretences, and the upright trader who never contracts greater liabilities than his estate will liquidate, there lie all gradations. From businesses carried on entirely with other people's capital, obtained by forgery, we pass to businesses in which there is a real capital of one-tenth and a credit-capital of nine-tenths; to other businesses in which the ratio of real to fictitious capital is somewhat greater; and so on until we reach the very extensive class of men who trade but a little beyond their means. To get more credit than would be given were the state of the business known, is in all cases the aim; and the cases in which this credit is partially unwarranted, differ only in degree from those in which it is wholly unwarranted. As most are beginning to see, the prevalence of this indirect dishonesty has not a little to do with our commercial disasters. Speaking broadly, the tendency is for every trader to hypothecate the capital of other traders, as well as his own. And when A has borrowed on the strength of B's credit; B on the strength of C's; and C on the strength of A's—when, throughout the trading world, each has made engagements which he can meet only by direct or indirect aid—when everybody is wanting help from some one else to save him from falling; a crash is certain. The punishment of a general unconscientiousness may be postponed, but it is sure to come eventually.

The average commercial morality cannot, of course, be accurately depicted in so brief a space. On the one hand, we have been able to give but a few typical instances of the malpractices by which trade is disgraced. On the other hand, we have been obliged to present these alone; unqualified by the large amount of honest dealing throughout which they are dispersed. While, by accumulating such evidences, the indictment may be made heavier; by diluting them

with the immense mass of equitable transactions daily carried on, the verdict would be mitigated. After making every allowance, however, we fear that the state of things is very bad. Our impression on this point is due less to the particular facts above given, than to the general opinion expressed by our informants. On all sides we have found the result of long personal experience, to be the conviction that trade is essentially corrupt. In tones of disgust or discouragement, reprehension or derision, according to their several natures, men in business have one after another expressed or implied this belief. Omitting the highest mercantile classes, a few of the less common trades, and those exceptional cases where an entire command of the market has been obtained, the uniform testimony of competent judges is, that success is incompatible with strict integrity. To live in the commercial world it appears necessary to adopt its ethical code: neither exceeding nor falling short of it—neither being less honest nor more honest. Those who sink below its standard are expelled; while those who rise above it are either pulled down to it or ruined. As, in self-defence, the civilized man becomes savage among savages; so, it seems that in self-defence, the scrupulous trader is obliged to become as little scrupulous as his competitors. It has been said that the law of the animal creation is—"Eat and be eaten;" and of our trading community it may similarly be said that its law is—Cheat and be cheated. A system of keen competition, carried on, as it is, without adequate moral restraint, is very much a system of commercial cannibalism. Its alternatives are—Use the same weapons as your antagonists or be conquered and devoured.

Of questions suggested by these facts, one of the most obvious is—Are not the prejudices which have ever been entertained against trade and traders, thus fully justified? do not these meannesses and dishonesties, and the moral degradation they imply, warrant the disrespect shown to men in business? A prompt affirmative answer will prob-

ably be looked for; but we very much doubt whether it should be given. We are rather of opinion that these delinquencies are products of the average character placed under special conditions. There is no reason for assuming that the trading classes are intrinsically worse than other classes. Men taken at random from higher and lower ranks, would, most likely, if similarly circumstanced, do much the same. Indeed the mercantile world might readily recriminate. Is it a solicitor who comments on their misdoings? They may quickly silence him by referring to the countless dark stains on the reputation of his fraternity. Is it a barrister? His frequent practice of putting in pleas which he knows are not valid, and his established habit of taking fees for work he does not perform, make his criticism somewhat suicidal. Does the condemnation come through the press? The condemned may remind those who write, of the fact that it is not quite honest to utter a positive verdict on a book merely glanced through, or to pen glowing eulogies on the mediocre work of a friend while slighting the good one of an enemy; and they may further ask whether those who, at the dictation of an employer, write what they disbelieve, are not guilty of the serious offence of adulterating public opinion. Moreover, traders might contend that many of their delinquencies are thrust on them by the injustice of their customers. They, and especially drapers, might point to the fact that the habitual demand for an abatement of price, is made in utter disregard of their reasonable profits; and that, to protect themselves against attempts to gain by their loss, they are obliged to name prices greater than those they intend to take. They might also urge that the straits to which they are often brought by non-payment of large sums due from their wealthier customers, is itself a cause of their malpractices: obliging them, as it does, to use all means, illegitimate as well as legitimate, for getting the wherewith to meet their engagements. And then, after proving that those without

excuse show this disregard of other men's claims, traders might ask whether they, who have the excuse of having to contend with a merciless competition, are alone to be blamed if they display a like disregard in other forms. Nay, even to the guardians of social rectitude—members of the legislature—they might use the *tu quoque* argument: asking whether bribery of a customer's servant, is any worse than bribery of an elector? or whether the gaining of suffrages by clap-trap hustings-speeches, containing insincere professions adapted to the taste of the constituency, is not as bad as getting an order for goods by delusive representations respecting their quality? No; few if any classes are free from immoralities which are as great, *relatively to the temptations*, as these we have been exposing. Of course they will not be so petty or so gross where the circumstances do not prompt pettiness or grossness; nor so constant and organized where the class-conditions have not tended to make them habitual. But, taken with these qualifications, we think that much might be said for the proposition that the trading classes, neither better nor worse intrinsically than other classes, are betrayed into their flagitious habits by external causes.

Another question, here naturally arising, is—Are not these evils growing worse? Many of the facts we have cited seem to imply that they are. Yet there are many other facts which point as distinctly the other way. In weighing the evidence, we must bear in mind that the greater public attention at present paid to such matters, is itself a source of error—is apt to generate the belief that evils now becoming recognized are evils that have recently arisen; when in truth they have merely been hitherto disregarded, or less regarded. It has been clearly thus with crime, with distress, with popular ignorance; and it is very probably thus with trading-dishonesties. As it is true of individual beings, that their height in the scale of creation may be measured by the degree of their self-consciousness;

so, in a sense, it is true of societies. Advanced and highly-organized societies are distinguished from lower ones by the evolution of something that stands for a *social self-consciousness*. Among ourselves there has, happily, been of late years a remarkable growth of this social self-consciousness; and we believe that to this is chiefly ascribable the impression that commercial malpractices are increasing. Such facts as have come down to us respecting the trade of past times, confirm this view. In his *Complete English Tradesman*, Defoe mentions, among other manœuvres of retailers, the false lights which they introduced into their shops, for the purpose of giving delusive appearances to their goods. He comments on the "shop rhetorick," the "flux of falsehoods," which tradesmen habitually uttered to their customers; and quotes their defence as being that they could not live without lying. He says, too, that there was scarce a shopkeeper who had not a bag of spurious or debased coin, from which he gave change whenever he could; and that men, even the most honest, triumphed in their skill in getting rid of bad money. These facts show that the mercantile morals of that day were, at any rate, not better than ours; and if we call to mind the numerous Acts of Parliament passed in old times to prevent frauds of all kinds, we perceive the like implication. As much may, indeed, be safely inferred from the general state of society. When, reign after reign, governments debased the coinage, the moral tone of the middle classes could scarcely have been higher than now. Among generations whose sympathy with the claims of fellow-creatures was so weak, that the slave-trade was not only thought justifiable, but the initiator of it was rewarded by permission to record the feat in his coat of arms, it is hardly possible that men respected the claims of their fellow-citizens more than at present. Times characterized by an administration of justice so inefficient, that there were in London nests of criminals who defied the law, and on all high roads robbers who eluded it, cannot

have been distinguished by just mercantile dealings. While, conversely, an age which, like ours, has seen so many equitable social changes thrust on the legislature by public opinion, is very unlikely to be an age in which the transactions between individuals have been growing more inequitable. Yet, on the other hand, it is undeniable that many of the dishonesties we have described are of modern origin. Not a few of them have become established during the last thirty years; and others are even now arising. How are these seeming contradictions to be reconciled?

The reconciliation is not difficult. It lies in the fact that while the *direct* frauds have been diminishing, the *indirect* frauds have been increasing: alike in variety and in number. And this admission we take to be consistent with the opinion that the standard of commercial morals is higher than it was. For if we omit, as excluded from the question, the penal restraints—religious and legal—and ask what is the ultimate moral restraint to the aggression of man on man, we find it to be—sympathy with the pain inflicted. Now the keenness of the sympathy, depending on the vividness with which this pain is realized, varies with the conditions of the case. It may be active enough to check misdeeds which will manifestly cause great suffering, and yet not be active enough to check misdeeds which will cause but slight annoyance. While sufficiently acute to prevent a man from doing that which will entail immediate injury on a known person, it may not be sufficiently acute to prevent him from doing that which will entail remote injuries on unknown persons. And we find the facts to agree with this deduction, that the moral restraint varies according to the clearness with which the evil consequences are conceived. Many a one who would shrink from picking a pocket does not scruple to adulterate his goods; and he who never dreams of passing base coin will yet be a party to joint-stock-bank deceptions. Hence, as we say, the multiplication of the more subtle and complex forms of

fraud, is consistent with a general progress in morality; provided it is accompanied with a decrease in the grosser forms of fraud.

But the question which most concerns us is, not whether the morals of trade are better or worse than they have been? but rather—why are they so bad? Why in this civilized state of ours, is there so much that betrays the cunning selfishness of the savage? Why, after the careful inculcations of rectitude during education, comes there in after-life all this knavery? Why, in spite of all the exhortations to which the commercial classes listen every Sunday, do they next morning recommence their evil deeds? What is this so potent agency which almost neutralizes the discipline of education, of law, of religion?

Various subsidiary causes that might be assigned, must be passed over, that we may have space to deal with the chief cause. In an exhaustive statement, something would have to be said on the credulity of consumers, which leads them to believe in representations of impossible advantages; and something, too, on their greediness, which, ever prompting them to look for more than they ought to get, encourages sellers to offer delusive bargains. The increased difficulty of living consequent on growing pressure of population, might perhaps come in as a part cause; and that greater cost of bringing up a family, which results from the higher standard of education, might be added. But the chief inciter of these trading malpractices is intense desire for wealth. And if we ask—Why this intense desire? the reply is—It results from the *indiscriminate respect paid to wealth.*

To be distinguished from the common herd—to be somebody—to make a name, a position—this is the universal ambition; and to accumulate riches is alike the surest and the easiest way of fulfilling this ambition. Very early in life all learn this. At school, the court paid to one whose

parents have called in their carriage to see him, is conspicuous; while the poor boy whose insufficient stock of clothes implies the small means of his family, soon has burnt into his memory the fact that poverty is contemptible. On entering the world, the lessons which may have been taught about the nobility of self-sacrifice, the reverence due to genius, the admirableness of high integrity, are quickly neutralized by experience: men's actions proving that these are not their standards of respect. It is soon perceived that while abundant outward marks of deference from fellow-citizens may almost certainly be gained by directing every energy to the accumulation of property, they are but rarely to be gained in any other way; and that even in the few cases in which they are otherwise gained, they are not given with entire unreserve, but are commonly joined with a more or less manifest display of patronage. When, seeing this, the young man further sees that while the acquisition of property is possible with his mediocre endowments, the acquirement of distinction by brilliant discoveries, or heroic acts, or high achievements in art, implies faculties and feelings which he does not possess; it is not difficult to understand why he devotes himself heart and soul to business.

We do not mean to say that men act on the consciously reasoned-out conclusions thus indicated; but we mean that these conclusions are the unconsciously-formed products of their daily experiences. From early childhood the sayings and doings of all around them have generated the idea that wealth and respectability are two sides of the same thing. This idea, growing with their growth, and strengthening with their strength, becomes at last almost what we may call an organic conviction. And this organic conviction it is which prompts the expenditure of all their energies in money-making. We contend that the chief stimulus is not the desire for the wealth itself, but for the applause and position which the wealth brings. And in this belief, we

find ourselves at one with various intelligent traders with whom we have talked on the matter. It is incredible that men should make the sacrifices, mental and bodily, which they do, merely to get the material benefits which money purchases. Who would undertake an extra burden of business for the purpose of getting a cellar of choice wines for his own drinking? He who does it, does it that he may have choice wines to give his guests and gain their praises. What merchant would spend an additional hour at his office daily, merely that he might move into a house in a more fashionable quarter? He submits to the tax not to gain health and comfort but for the sake of the increased social consideration which the new house will bring him. Where is the man who would lie awake at nights devising means of increasing his income, in the hope of being able to provide his wife with a carriage, were the use of the carriage the sole consideration? It is because of the *éclat* which the carriage will give, that he enters on these additional anxieties. So manifest, so trite, indeed, are these truths, that we should be ashamed of insisting on them, did not our argument require it.

For if the desire for that homage which wealth brings, is the chief stimulus to these strivings after wealth, then the giving of this homage (when given, as it is, with but little discrimination) is the chief cause of the dishonesties into which these strivings betray mercantile men. When the shopkeeper, on the strength of a prosperous year and favourable prospects, has yielded to his wife's persuasions, and replaced the old furniture with new, at an outlay greater than his income covers—when, instead of the hoped-for increase, the next year brings a decrease in his returns —when he finds that his expenses are out-running his revenue; then does he fall under the strongest temptation to adopt some newly-introduced adulteration or other mal-practice. When, having by display gained a certain recognition, the wholesale trader begins to give dinners

appropriate only to those of ten times his income, with other expensive entertainments to match—when, having for a time carried on this style at a cost greater than he can afford, he finds that he cannot discontinue it without giving up his position; then is he most strongly prompted to enter into larger transactions, to trade beyond his means, to seek undue credit, to get into that ever-complicating series of misdeeds which ends in disgraceful bankruptcy. And if these are the facts then is it an unavoidable conclusion that the blind admiration which society gives to mere wealth, and the display of wealth, is the chief source of these multitudinous immoralities.

Yes, the evil is deeper than appears—draws its nutriment from far below the surface. This gigantic system of dishonesty, branching out into every conceivable form of fraud, has roots which run underneath our whole social fabric, and, sending fibres into every house, suck up strength from our daily sayings and doings. In every dining-room a rootlet finds food, when the conversation turns on So-and-so's successful speculations, his purchase of an estate, his probable worth—on this man's recent large legacy, and the other's advantageous match; for being thus talked about is one form of that tacit respect which men struggle for. Every drawing-room furnishes nourishment in the admiration awarded to costliness—to silks that are "rich," that is, expensive; to dresses that contain an enormous quantity of material, that is, are expensive; to laces that are hand-made, that is, expensive; to diamonds that are rare, that is, expensive; to china that is old, that is, expensive. And from scores of small remarks and minutiæ of behaviour which, in all circles, hourly imply how completely the idea of respectability involves that of costly externals, there is drawn fresh pabulum.

We are all implicated. We all, whether with self-approbation or not, give expression to the established feeling. Even he who disapproves this feeling finds himself unable to

treat virtue in threadbare apparel with a cordiality as great as that which he would show to the same virtue endowed with prosperity. Scarcely a man is to be found who would not behave with more civility to a knave in broadcloth than to a knave in fustian. Though for the deference which they have shown to the vulgar rich, or the dishonestly successful, men afterwards compound with their consciences by privately venting their contempt; yet when they again come face to face with these imposing externals covering worthlessness, they do as before. And so long as imposing worthlessness gets the visible marks of respect, while the disrespect felt for it is hidden, it naturally flourishes.

Hence, then, is it that men persevere in these evil practices which all condemn. They can so purchase a homage which, if not genuine, is yet, so far as appearances go, as good as the best. To one whose wealth has been gained by a life of frauds, what matters it that his name is in all circles a synonym of roguery? Has he not been conspicuously honoured by being twice elected mayor of his town? (we state a fact) and does not this, joined to the personal consideration shown him, outweigh in his estimation all that is said against him; of which he hears scarcely anything? When, not many years after the exposure of his inequitable dealing, a trader attains to the highest civic distinction which the kingdom has to offer, and that, too, through the instrumentality of those who best know his delinquency, is not the fact an encouragement to him, and to all others, to sacrifice rectitude to aggrandizement? If, after listening to a sermon that has by implication denounced the dishonesties he has been guilty of, the rich ill-doer finds, on leaving church, that his neighbours cap to him, does not this tacit approval go far to neutralize the effect of all he has heard? The truth is that with the great majority of men, the visible expression of social opinion is far the most efficient of incentives and restraints. Let any one who wishes to estimate the strength

of this control, propose to himself to walk through the streets in the dress of a dustman, or hawk vegetables from door to door. Let him feel, as he probably will, that he had rather do something morally wrong than commit such a breach of usage and suffer the resulting derision. He will then better estimate how powerful a curb to men is the open disapproval of their fellows, and how, conversely, the outward applause of their fellows is a stimulus surpassing all others in intensity. Fully realizing which facts, he will see that the immoralities of trade are in great part traceable to an immoral public opinion.

Let none infer, from what has been said, that the payment of respect to wealth rightly acquired and rightly used, is deprecated. In its original meaning, and in due degree, the feeling which prompts such respect is good. Primarily, wealth is the sign of mental power; and this is always respectable. To have honestly-acquired property, implies intelligence, energy, self-control; and these are worthy of the homage that is indirectly paid to them by admiring their results. Moreover, the good administration and increase of inherited property, also requires its virtues; and therefore demands its share of approbation. And besides being applauded for their display of faculty, men who gain and increase wealth are to be applauded as public benefactors. For he who, as manufacturer or merchant, has, without injustice to others, realized a fortune, is thereby proved to have discharged his functions better than those who have been less successful. By greater skill, better judgment, or more economy than his competitors, he has afforded the public greater advantages. His extra profits are but a share of the extra produce obtained by the same outlay: the other share going to the consumers. And similarly, the landowner who, by judicious investment of money, has increased the value (that is, the productiveness) of his estate, has thereby added to the stock of national capital. By all means, then,

let the right acquisition and proper use of wealth have their due share of admiration.

But that which we condemn as the chief cause of commercial dishonesty, is the *indiscriminate* admiration of wealth —an admiration that has little or no reference to the character of the possessor. When, as generally happens, the external signs are reverenced where they signify no internal worthiness—nay, even where they cover internal unworthiness; then does the feeling become vicious. It is this idolatry which worships the symbol apart from the thing symbolized, that is the root of all these evils we have been exposing. So long as men pay homage to those social benefactors who have grown rich honestly, they give a wholesome stimulus to industry; but when they accord a share of their homage to those social malefactors who have grown rich dishonestly, then do they foster corruption — then do they become accomplices in all these frauds of commerce.

As for remedy, it manifestly follows that there is none save a purified public opinion. When that abhorrence which society now shows to direct theft, is shown to theft of all degrees of indirectness; then will these mercantile vices disappear. When not only the trader who adulterates or gives short measure, but also the merchant who overtrades, the bank-director who countenances an exaggerated report, and the railway-director who repudiates his guarantee, come to be regarded as of the same genus as the pickpocket, and are treated with like disdain; then will the morals of trade become what they should be.

We have little hope, however, that any such higher tone of public opinion will shortly be reached. The present condition of things appears to be, in great measure, a necessary accompaniment of our present phase of progress. Throughout the civilized world, especially in England, and above all in America, social activity is almost wholly expended in material development. To subjugate Nature

and bring the powers of production and distribution to their highest perfection, is the task of our age, and probably will be the task of many future ages. And as in times when national defence and conquest were the chief desiderata, military achievement was honoured above all other things; so now, when the chief desideratum is industrial growth, honour is most conspicuously given to that which generally indicates the aiding of industrial growth. The English nation at present displays what we may call the commercial diathesis; and the undue admiration for wealth appears to be its concomitant—a relation still more conspicuous in the worship of "the almighty dollar" by the Americans. And while the commercial diathesis, with its accompanying standard of distinction, continues, we fear the evils we have been delineating can be but partially cured. It seems hopeless to expect that men will distinguish between that wealth which represents personal superiority and benefits done to society, from that which does not. The symbols, the externals, have all the world through swayed the masses, and must long continue to do so. Even the cultivated, who are on their guard against the bias of associated ideas, and try to separate the real from the seeming, cannot escape the influence of current opinion. We must therefore content ourselves with looking for a slow amelioration.

Something, however, may even now be done by vigorous protest against adoration of mere success. And it is important that it should be done, considering how this vicious sentiment is being fostered. When we have one of our leading moralists preaching, with increasing vehemence, the doctrine of sanctification by force—when we are told that while a selfishness troubled with qualms of conscience is contemptible, a selfishness intense enough to trample down everything in the unscrupulous pursuit of its ends is worthy of admiration—when we find that if it be sufficiently great, power, no matter of what kind or how directed, is held up for our reverence; we may fear lest the prevalent applause

of mere success, together with the commercial vices which it stimulates, should be increased rather than diminished. Not at all by this hero-worship grown into brute-worship is society to be made better, but by exactly the opposite—by a stern criticism of the means through which success has been achieved, and by according honour to the higher and less selfish modes of activity.

And happily the signs of this more moral public opinion are showing themselves. It is becoming a tacitly-received doctrine that the rich should not, as in bygone times, spend their lives in personal gratification; but should devote them to the general welfare. Year by year is the improvement of the people occupying a larger share of the attention of the upper classes. Year by year are they voluntarily devoting more energy to furthering the material and mental progress of the masses. And those among them who do not join in the discharge of these high functions, are beginning to be looked upon with more or less contempt by their own order. This latest and most hopeful fact in human history—this new and better chivalry—promises to evolve a higher standard of honour, and so to ameliorate many evils: among others those which we have detailed. When wealth obtained by illegitimate means inevitably brings nothing but disgrace—when to wealth rightly acquired is accorded only its due share of homage, while the greatest homage is given to those who consecrate their energies and their means to the noblest ends; then may we be sure that, along with other accompanying benefits, the morals of trade will be greatly purified.

# PRISON-ETHICS.

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The two antagonist theories of morals, like many other antagonist theories, are both right and both wrong. The *a priori* school has its truth; the *a posteriori* school has its truth; and for the proper guidance of conduct, there must be due recognition of both. On the one hand, it is asserted that there is an absolute standard of rectitude; and, respecting certain classes of actions, it is rightly so asserted. From the fundamental laws of life and the conditions of social existence, are deducible certain imperative limitations to individual action—limitations which are essential to a perfect life, individual and social; or, in other words, essential to the greatest happiness. And these limitations, following inevitably as they do from undeniable first principles, deep as the nature of life itself, constitute what we may distinguish as absolute morality. On the other hand it is contended, and in a sense rightly contended, that with men as they are and society as it is, the dictates of absolute morality are impracticable. Legal control, which involves infliction of pain, alike on those who are restrained and on those who pay the cost of restraining them, is proved by this fact to be not absolutely moral; seeing that absolute morality is the regulation of conduct in such way that pain shall not be inflicted.

Wherefore, if it be admitted that legal control is at present indispensable, it must be admitted that these *a priori* rules cannot be immediately carried out. And hence it follows that we must adapt our laws and actions to the existing character of mankind—that we must estimate the good or evil resulting from this or that arrangement, and so reach, *a posteriori*, a code fitted for the time being. In short, we must fall back on expediency. Now, each of these positions being valid, it is a grave mistake to adopt either to the exclusion of the other. They should be respectively appealed to for mutual qualification. Progressing civilization, which is of necessity a succession of compromises between old and new, requires a perpetual readjustment of the compromise between the ideal and the practicable in social arrangements: to which end both elements of the compromise must be kept in view. If it is true that pure rectitude prescribes a system of things too good for men as they are; it is not less true that mere expediency does not of itself tend to establish a system of things any better than that which exists. While absolute morality owes to expediency the checks which prevent it from rushing into utopian absurdities; expediency is indebted to absolute morality for all stimulus to improvement. Granted that we are chiefly interested in ascertaining what is *relatively right*; it still follows that we must first consider what is *absolutely right*; since the one conception presupposes the other. That is to say, though we must ever aim to do what is best for the present times, yet we must ever bear in mind what is abstractedly best; so that the changes we make may be *towards* it, and not *away* from it. Unattainable as pure rectitude is, and will long continue to be, we must keep an eye on the compass which tells us whereabout it lies; or we shall otherwise wander in the opposite direction.

Illustrations from our recent history will show very conclusively, we think, how important it is that consider-

ations of abstract expediency should be joined with those of concrete expediency—how immense would be the evils avoided and the benefits gained, if *a posteriori* morality were enlightened by *a priori* morality. Take first the case of free trade. Until recently it has been the practice of all nations, artificially to restrict their commerce with other nations. Throughout past centuries this course was defensible as conducing to safety. Without saying that law-givers had the motive of promoting industrial independence, it may yet be said that in ages when national quarrels were perpetual, it would not have been well for any people to be much dependent on others for necessary commodities. But though there is this ground for asserting that commercial restrictions were once expedient, it cannot be asserted that our corn-laws were thus justified: it cannot be alleged that the penalties and prohibitions which, until lately, hampered our trade, were needful to prevent us from being industrially disabled by a war. Protection in all its forms was established and maintained for other reasons of expediency; and the reasons for which it was opposed and finally abolished were also those of expediency. Calculations of immediate and remote consequences were set forth by the antagonist parties; and the mode of decision was by a balancing of these various anticipated consequences. And what, after generations of mischievous legislation and long years of arduous struggle, was the conclusion arrived at, and since justified by the results? Exactly the one which abstract equity plainly teaches. The moral course proves to be the politic course. That ability to exercise the faculties, the total denial of which causes death—that liberty to pursue the objects of desire, without which there cannot be complete life—that freedom of action which his nature prompts every individual to claim, and on which equity puts no limit save the like freedom of action of other individuals, involves, among other corollaries, freedom of exchange.

Government which, in protecting citizens from murder, robbery, assault or other aggression, shows us that it has the all-essential function of securing to each this free exercise of faculties within the assigned limits, is called on, in the due discharge of its function, to maintain this freedom of exchange; and cannot abrogate it without reversing its function, and becoming aggressor instead of protector. Thus, absolute morality would all along have shown in what direction legislation should tend. Qualified only by the consideration that in turbulent times they must not be so carried out as to endanger national life, through suspensions in the supply of necessaries, these *a priori* principles would have guided statesmen, as fast as circumstances allowed, towards the normal condition. We should have been saved from thousands of needless restrictions. Such restrictions as were needful would have been abolished as soon as was safe. An enormous amount of suffering would have been prevented. That prosperity which we now enjoy would have commenced much sooner. And our present condition would have been one of greater power, wealth, happiness, and morality.

Our railway-politics furnish another instance. A vast loss of national capital has been incurred, and great misery has been inflicted, in consequence of the neglect of a simple principle clearly dictated by abstract justice. Whoso enters into a contract, though he is bound to do that which the contract specifies, is not bound to do some other thing which is neither specified nor implied in the contract. We do not appeal to moral perception only in warranty of this position. It is one deducible from that first principle of equity which, as above pointed out, follows from the laws of life, individual and social; and it is one which the accumulated experience of mankind has so uniformly justified, that it has become a tacitly-recognized doctrine of civil law among all nations. In cases of disputes about agreements, the question in each case brought to trial

always is, whether the terms bind one or other of the contracting parties to do this or that; and it is assumed, as a matter of course, that neither of them can be called upon to do more than is expressed or understood in the agreement. Now this almost self-evident principle has been wholly ignored in railway-legislation. A shareholder, uniting with others to make and work a line from one specified place to another specified place, binds himself to pay certain sums in furtherance of the project; and, by implication, agrees to yield to the majority of his fellow-shareholders on all questions raised respecting the execution of this project. But he commits himself no further than this. He is not required to obey the majority concerning things not named in the deed of incorporation. Though with respect to the specified railway he has bound himself, he has not bound himself, with respect to any *un*specified railway which his co-proprietors may wish to make; and he cannot be committed to such unspecified railway by a vote of the majority. But this distinction has been wholly passed over. Shareholders in joint-stock undertakings have been perpetually involved in other undertakings subsequently decided on by their fellow-shareholders; and, against their will, have had their properties heavily mortgaged for the execution of projects that were ruinously unremunerative. In every case the proprietary contract for making a particular railway, has been dealt with as though it were a proprietary contract for making railways! Not only have directors thus misinterpreted it, and not only have shareholders allowed it to be thus misinterpreted, but legislators have so little understood their duties as to have endorsed the misinterpretation. To this simple cause has been owing most of our railway-companies' disasters. Abnormal facilities for getting capital have caused reckless competition in extension-making and branch-making, and in needless opposition lines, got up to be purchased by the companies they threatened. Had each new scheme been

executed by an independent body of shareholders, without any guarantee from another company—without any capital raised by preference shares—there would have been little or none of the ruinous expenditure we have seen. Something like a hundred millions of money would have been saved, and thousands of families preserved from misery, had the proprietary-contract been enforced according to the dictates of pure equity.

These cases go far to justify our position. The general reasons we gave for thinking that the ethics of immediate experience must be enlightened by abstract ethics, to ensure correct guidance, are strongly enforced by these instances of the gigantic errors which are made when the dictates abstract ethics are ignored. The complex estimates of relative expediency, cannot do without the clue furnished by the simple deductions of absolute expediency.

We propose to study the treatment of criminals from this point of view. And first, let us set down those temporary requirements which have hitherto prevented, and do still, in part, prevent the establishment of a just system.

The same average popular character which necessitates a rigorous form of government, necessitates also a rigorous criminal code. Institutions are ultimately determined by the natures of the citizens living under them; and when these citizens are too impulsive or selfish for free institutions, and unscrupulous enough to supply the requisite staff of agents for maintaining tyrannical institutions, they are proved by implication to be citizens who will tolerate, and will probably need, severe forms of punishment. The same mental defect underlies both results. The character which originates and sustains political liberty, is a character swayed by remote considerations—a character not at the mercy of immediate temptations, but one which contemplates the consequences likely to arise in future. We have only to remember that, among ourselves, a political encroachment is

resisted, not because of any direct evil it inflicts, but because of the evils likely hereafter to flow from it, to see how the maintenance of freedom presupposes the habit of weighing distant results, and being chiefly guided by them. Conversely, it is manifest that men who dwell only in the present, the special, the concrete—who do not realize with clearness the contingencies of the future—will put little value on those rights of citizenship which profit them nothing, save as a means of warding off unspecified evils that can possibly affect them only at a distant time in an obscure way. Well, is it not obvious that the forms of mind thus contrasted, will require different kinds of punishment for misconduct? To restrain the second, there must be penalties which are severe, prompt, and specific enough to be vividly conceived; while the first may be deterred by penalties which are less definite, less intense, less immediate. For the more civilized, dread of a long, monotonous, criminal discipline may suffice; but for the less civilized there must be inflictions of bodily pain and death. Thus we hold, not only that a social condition which generates a harsh form of government, also generates harsh retributions; but also, that in such a social condition, harsh retributions are requisite. And there are facts which illustrate this. Witness the case of one of the Italian states, in which the punishment of death having been abolished in conformity with the wish of a dying duchess, assassinations increased so greatly that it became needful to re-establish it.

Besides the fact that in the less-advanced stages of civilization, a bloody penal code is both a natural product of the time and a needful restraint for the time, there must be noted the fact that a more equitable and humane code could not be carried out from want of fit administration. To deal with delinquents not by short and sharp methods but by such methods as abstract justice indicates, implies a class of agencies too complicated to exist in a low society,

and a class of officers more trustworthy than can be found among its citizens. Especially would the equitable treatment of criminals be impracticable where the amount of crime was very great. The number to be dealt with would be unmanageable. Some simpler method of purging the community of its worst members becomes, under such circumstances, a necessity.

The inapplicability of an absolutely just system of penal discipline to a barbarous or semi-barbarous people, is thus, we think, as manifest as is the inapplicability of an absolutely just form of government to them. And in the same manner that, for some nations, a despotism is warranted; so may a criminal code of the extremest severity be warranted. In either case the defence is, that the institution is as good as the average character of the people permits—that less stringent institutions would entail social confusion and its far more severe evils. Bad as a despotism is, yet where anarchy is the only alternative, we must say that, as anarchy would bring greater suffering than despotism brings, despotism is justified by the circumstances. And similarly, however inequitable in the abstract were the beheadings, crucifyings, and burnings of ruder ages, yet, if it be shown that, without penalties thus extreme, the safety of society could not have been insured—if, in their absence, the increase of crime would have inflicted a larger total of evil, and that, too, on peaceable members of the community; then it follows that morality warranted this severity. In the one case, as in the other, we must say that, measured by the quantities of pain respectively inflicted and avoided, the course pursued was the *least wrong;* and to say that it was the least wrong is to say that it was *relatively right.*

But while we thus admit all that can be alleged by the defenders of Draconian codes, we go on to assert a correlative truth which they overlook. While fully recognizing the evils that must follow the premature establishment of a

penal system dictated by pure equity, let us not overlook the evils that have arisen from altogether rejecting the guidance of pure equity. Let us note how terribly the one-sided regard for immediate expediency has retarded the ameliorations from time to time demanded.

Consider, for instance, the immense amount of suffering and demoralization needlessly caused by our severe laws in the last century. Those many merciless penalties which Romilly and others succeeded in abolishing, were as little justified by social necessities as by abstract morality. Experience has since proved that to hang men for theft, was not requisite for the security of property. And that such a measure was opposed to pure equity, scarcely needs saying. Evidently, had considerations of relative expediency been all along qualified by considerations of absolute expediency, these severities, with their many concomitant evils, would have ceased long before they did.

Again, the dreadful misery, demoralization, and crime, generated by the harsh treatment of transported convicts, would have been impossible, had our authorities considered what seemed just as well as what seemed politic. There would never have been inflicted on transports the shocking cruelties proved before the Parliamentary Committee of 1848. We should not have had men condemned to the horrors of the chain-gang even for insolent looks. There could not have been perpetrated such an atrocity as that of locking up chain-gangs "from sunset to sunrise in the caravans or boxes used for this description of prisons, which hold from twenty to twenty-eight men, but in which the whole number *can neither stand upright nor sit down at the same time, except with their legs at right angles to their bodies.*" Men would never have been doomed to tortures extreme enough to produce despair, desperation, and further crimes—tortures under which "a man's heart is taken from him, and there is given to him the heart of a

beast," as said by one of these law-produced criminals before his execution. We should not have been told, as by a chief justice of Australia, that the discipline was "carried to an extent of *suffering, such as to render death desirable, and to induce many prisoners to seek it under its most appalling aspects.*" Sir G. Arthur would not have had to testify that, in Van Diemen's Land, convicts committed murder for the purpose "*of being sent up to Hobart Town for trial, though aware that in the ordinary course they must be executed within a fortnight after arrival;*" nor would tears of commiseration have been drawn from Judge Burton's eyes, by one of these cruelly-used transports placed before him for sentence. In brief, had abstract equity joined with immediate expediency in devising convict discipline, not only would untold suffering, degradation, and mortality have been prevented; but those who were responsible for atrocities like those above-named, would not themselves be chargeable with crime, as we now hold them to be.

Probably we shall meet with a less general assent when, as a further benefit which the guidance of absolute morality would have conferred, we instance the prevention of such methods as those in use at Pentonville. How the silent and the separate systems are negatived by abstract justice we shall by and by see. For the present, the position we have to defend is that these systems are bad. That but a moderate per-centage of the prisoners subjected to them are re-convicted, may be true; though, considering the fallaciousness of negative statistics, this by no means proves that those not re-convicted are reformed. But the question is not solely how many prisoners are prevented from again committing crime? A further question is, how many of them have become self-supporting members of society? It is notorious that this prolonged denial of human intercourse not unfrequently produces insanity or imbecility; and on those who remain sane, its depressing influence must almost

of necessity entail serious debility, bodily and mental.* Indeed, we think it probable that much of the apparent success is due to an enfeeblement which incapacitates for crime as much as for industry. Our own objection to such methods, however, has always been, that their effect on the moral nature is the reverse of that required. Crime is anti-social—is prompted by self-regarding feelings and checked by social feelings. The natural prompter of right conduct to others, and the natural opponent of misconduct to others, is sympathy; for out of sympathy grow both the kindly emotions, and that sentiment of justice which restrains us from aggressions. Well, this sympathy, which makes society possible, is cultivated by social intercourse. By habitual participation in the pleasures of others, the faculty is strengthened; and whatever prevents this participation, weakens it. Hence, therefore, shutting up prisoners within themselves, or forbidding all interchange of feeling, inevitably deadens such sympathies as they have; and so tends rather to diminish than to increase the moral check to transgression. This *à priori* conviction, which we have long entertained, we now find confirmed by facts. Captain Maconochie states, as a result of observation, that a long course of separation so fosters the self-regarding desires, and so weakens the sympathies, as to make even well-disposed men very unfit to bear the little trials of domestic life on their return to their homes. Thus there is good reason to think that, while silence and solitude may cow the spirit or undermine the energies, it cannot produce true reformation.

"But how can it be shown," asks the reader, "that these injudicious penal systems are inequitable? Where is the method which will enable us to say what kind of punish-

* Mr. Baillie-Cochrane says:—"The officers at the Dartmoor prison inform me that the prisoners who arrive there even after one year's confinement at Pentonville, may be distinguished from the others by their miserable downcast look. In most instances their brain is affected, and they are unable to give satisfactory replies to the simplest questions."

ment is justified by absolute morality, and what kind is not?" These questions we will now attempt to answer.

So long as the individual citizen pursues the objects of his desires without diminishing the equal freedom of any of his fellow citizens to do the like, society cannot equitably interfere with him. While he contents himself with the benefits won by his own energies, and attempts not to intercept any of the benefits similarly won for themselves by others, or any of those which Nature has conferred on them; no legal penalties can rightly be inflicted on him. But when, by murder, theft, assault, arson, or minor aggression, he has broken through these limits, the community is warranted in putting him under restraint. On the relative propriety of doing this we need say nothing: it is demonstrated by social experience. Its absolute propriety not being so manifest, we will proceed to point out how it is deducible from the ultimate laws of life.

Life depends on the maintenance of certain natural relations between actions and their results. If respiration does not supply oxygen to the blood, as in the normal order of things it should do, but instead supplies carbonic acid, death quickly results. If the swallowing of food is not followed by the usual organic sequences—the contractions of the stomach, and the pouring into it of gastric juice—indigestion arises, and the energies flag. If active movements of the limbs fail in exciting the heart to supply blood more rapidly, or if the extra current propelled by the heart is greatly retarded by an aneurism through which it passes, speedy prostration ensues. In which, and endless like cases, we see that bodily life depends on the maintenance of the established connexions between physiological causes and their consequences. Among the intellectual processes, the same thing holds. If certain impressions made on the senses do not induce the appropriate muscular adjustments —if the brain is clouded with wine, or consciousness is

pre-occupied, or the perceptions are naturally obtuse; the movements are so ill-controlled that accidents happen. Where, as in paralytic patients, the natural link between mental impressions and the appropriate motions is broken, the life is greatly vitiated. And when, as during insanity, evidence fitted, according to the usual order of thought, to produce certain convictions, produces convictions of an opposite kind, conduct is reduced to chaos, and life endangered—perhaps cut short. So it is with more involved phenomena. Just as we here find that, throughout both its physical and intellectual divisions, healthful life implies continuance of the established successions of antecedents and consequents among our vital actions; so shall we find it throughout the moral division. In our dealings with external Nature and our fellow men, there are relations of cause and effect, on the maintenance of which, as on the maintenance of the internal ones above instanced, life depends. Conduct of this or that kind tends to bring results which are pleasurable or painful; and the welfare of every one demands that these natural sequences shall not be interfered with. To speak more specifically, we see that in the order of Nature, inactivity entails want. There is a connexion between exertion and the fulfilment of certain imperative needs. If, now, this connexion is broken—if labour of body or mind has been gone through, and the produce of the labour is intercepted by another, one of the conditions to complete life is unfulfilled. The defrauded person is physically injured by deprivation of the wherewithal to make good the wear and tear he had undergone; and if the robbery be continually repeated, he must die. Where all men are dishonest a reflex evil results. When, throughout a society, the normal relation between work and benefit is habitually broken, not only are the lives of many directly undermined, but the lives of all are indirectly undermined by destruction of the motive for work, and by the consequent poverty. Thus, to demand that there shall

be no breach of the natural sequence between labour and the rewards obtained by labour, is to demand that the laws of life shall be respected. What we call the right of property, is simply a corollary from certain necessary conditions to complete living. It is a formulated recognition of the relation between expenditure of force and the need for force-sustaining objects obtainable by the expenditure of force—a recognition in full of a relation which cannot be wholly ignored without causing death. And all else regarded as individual rights, are indirect implications of like nature—similarly insist on certain relations between man and man, as conditions without which there cannot be fully maintained that correspondence between inner and outer actions which constitutes life. It is not, as some moralists and most lawyers absurdly assert, that such rights are derived from human legislation; nor is it, as asserted by others with absurdity almost as great, that there is no basis for them save the inductions of immediate expediency. These rights are deducible from the established connexions between our acts and their results. As certainly as there are conditions which must be fulfilled before life can exist, so certainly are there conditions which must be fulfilled before complete life can be enjoyed by the respective members of a society; and those which we call the requirements of justice, simply answer to the most important of such conditions.

Hence, if life is our legitimate aim—if absolute morality means, as it does, conformity to the laws of complete life; then absolute morality warrants the restraint of those who force their fellow-citizens into non-conformity. Our justification is, that life is impossible save under certain conditions; that it cannot be entire unless these conditions are maintained unbroken; and that if it is right for us to live completely, it is right for us to remove any one who either breaks these conditions in our persons or constrains us to break them.

Such being the basis of our right to coerce the criminal,

there next come the questions:—What is the legitimate extent of the coercion? Can we from this source derive authority for certain demands on him? and are there any similarly-derived limits to such demands? To both these questions there are affirmative answers.

First, we find authority for demanding restitution or compensation. Conformity to the laws of life being the substance of absolute morality; and the social regulations which absolute morality dictates, being those which make this conformity possible; it is a manifest corollary that whoever breaks these regulations, may be justly required to undo, as far as possible, the wrong he has done. The object being to maintain the conditions essential to complete life, it follows that, when one of these conditions has been transgressed, the first thing to be required of the transgressor is, that he shall put matters as nearly as may be in the state they previously were. The property stolen shall be restored, or an equivalent for it given. Any one injured by an assault shall have his surgeon's bill paid, compensation for lost time, and also for the suffering he has borne. And similarly in all cases of infringed rights.

Second, we are warranted by this highest authority in restricting the actions of the offender as much as is needful to prevent further aggressions. Any citizen who will not allow others to fulfil the conditions to complete life—who takes away the produce of his neighbour's labour, or deducts from that bodily health and comfort which his neighbour has earned by good conduct, must be forced to desist. And society is warranted in using such force as may be found requisite. Equity justifies the fellow-citizens of such a man in limiting the free exercise of his faculties to the extent necessary for preserving the free exercise of their own faculties.

But now mark that absolute morality countenances no restraint beyond this—no gratuitous inflictions of pain, no revengeful penalties. The conditions it insists on being such as make possible complete life, we cannot rightly abrogate

these conditions, even in the person of a criminal, further than is needful to prevent greater abrogations of them. Freedom to fulfil the laws of life being the thing insisted on, to the end that the sum of life may be the greatest possible, it follows that the life of the offender must be taken into account as an item in this sum. We must permit him to live as completely as consists with social safety. It is commonly said that the criminal loses all his rights. This may be so according to law, but it is not so according to justice. Such portion of them only is justly taken away, as cannot be left to him without danger to the community. Those exercises of faculty, and consequent benefits, which are possible under the necessary restraint, cannot be equitably denied. If any do not think it proper that we should be thus regardful of an offender's claims, let them consider for a moment the lesson which Nature reads us. We do not find that those processes of life by which bodily health is maintained, are miraculously suspended in the person of the prisoner. In him, as in others, good digestion waits on appetite. If he is wounded, the healing process goes on with the usual rapidity. When he is ill, as much effect is expected from the *vis medicatrix naturæ* by the medical officer, as in one who has not transgressed. His perceptions yield him guidance as they did before he was imprisoned; and he is capable of much the same pleasurable emotions. When we thus see that the beneficent arrangements of things, are no less uniformly sustained in his person than in that of another, are we not bound to respect in his person such of these beneficent arrangements as we have power to thwart? are we not bound to interfere with the laws of life no further than is needful? If any still hesitate, there is another lesson for them having the same implication. Whoso disregards any one of those simpler laws of life out of which, as we have shown, the moral laws originate, has to bear the evil necessitated by the transgression—just that, and no more. If, careless of your footing, you fall, the

consequent bruise, and possibly some constitutional disturbance entailed by it, are all you have to suffer: there is not the further gratuitous penalty of a cold or an attack of small-pox. If you have eaten something which you know to be indigestible, there follow certain visceral derangements and their concomitants; but, for your physical sin, there is no vengeance in the shape of a broken bone or a spinal affection. The punishments, in these and other cases, are neither greater nor less than flow from the natural workings of things. Well, should we not with all humility follow this example? Must we not infer that, similarly, a citizen who has transgressed the conditions to social welfare, ought to bear the needful penalties and restraints, but nothing beyond these? Is it not clear that neither by absolute morality nor by Nature's precedents, are we warranted in visiting on him any pains besides those involved in remedying, as far as may be, the evil committed, and preventing other such evils? To us it seems manifest that if society exceeds this, it trespasses against the criminal.

Those who think that we are tending towards a mischievous leniency, will find that the next step in our argument disposes of any such objection; for while equity forbids us to punish the criminal otherwise than by making him suffer the natural consequences, these, when rigorously enforced, are quite severe enough.

Society having proved in the high court of absolute morality, that the offender must make restitution or compensation, and submit to the restraints requisite for public safety; and the offender having obtained from the same court the decision, that these restraints shall be no greater than the specified end requires; society thereupon makes the further demand that, while living in durance, the offender shall maintain himself; and this demand absolute morality at once endorses. The community having taken measures for self-preservation, and having inflicted on the aggressor no punishments or disabilities beyond those in-

volved in these necessary measures, is no further concerned in the matter. With the support of the prisoner it has no more to do than before he committed the crime. It is the business of society simply to defend itself against him; and it is his business to live as well as he can under the restrictions society is obliged to impose on him. All he may rightly ask is, to have the opportunity of labouring, and exchanging the produce of his labour for necessaries; and this claim is a corollary from that already admitted, that his actions shall not be restricted more than is needful for the public safety. With these opportunities, however, he must make the best of his position. He must be content to gain as good a livelihood as the circumstances permit; and if he cannot employ his powers to the best advantage, if he has to work hard and fare scantily, these evils must be counted among the penalties of his transgression—the natural reactions of his wrong action.

On this self-maintenance equity sternly insists. The reasons which justify his imprisonment, equally justify the refusal to let him have any other sustenance than he earns. He is confined that he may not further interfere with the complete living of his fellow-citizens—that he may not again intercept any of those benefits which the order of Nature has conferred on them, or any of those procured by their exertions and careful conduct. And he is required to support himself for exactly the same reasons—that he may not interfere with others' complete living—that he may not intercept the benefits they earn. For, if otherwise, whence must come his food and clothing? Directly from the public stores, and indirectly from the pockets of all tax-payers. And what is the property thus abstracted from tax-payers? It is the equivalent of so much benefit earned by labour. It is so much means to complete living. And when this property is taken away—when the toil has been gone through, and the produce of it is intercepted by the tax-gatherer on behalf of the convict; the conditions to

complete life are broken: the convict commits by deputy a further aggression on his fellow-citizens. It matters not that such abstraction is made according to law. We are here considering the *dictum* of that authority which is above law; and which law ought to enforce. And this *dictum* we find to be, that each individual shall take the evils and benefits of his own conduct—that the offender must suffer, as far as is possible, all pains entailed by his offence; and must not be allowed to visit part of them on the unoffending. Unless the criminal maintains himself, he indirectly commits an additional crime. Instead of repairing the breach he has made in the conditions to complete social life, he widens this breach. He inflicts on others that very injury which the restraint imposed on him was to prevent. As certainly, therefore, as such restraint is warranted by absolute morality; so certainly does absolute morality warrant us in refusing him gratuitous support.

These, then, are the requirements of an equitable penal system:—That the aggressor shall make restitution or compensation; that he shall be placed under the restraints requisite for social security; that neither any restraints beyond these, nor any gratuitous penalties, shall be inflicted on him; and that while living in confinement, or under surveillance, he shall maintain himself. We are not prepared to say that such dictates may at once be fully obeyed. Already we have admitted that the deductions of absolute expediency must, in our transition state, be qualified by the inductions of relative expediency. We have pointed out that in rude times, the severest criminal codes were morally justified if, without them, crime could not be repressed and social safety insured. Whence, by implication, it follows that our present methods of treating criminals are warranted, if they come as near to those of pure equity as circumstances permit. That any system now feasible must fall short of the ideal sketched out, is probable. It may be that the enforcement of restitution or

compensation, is in many cases impracticable. It may be that on some convicts, penalties more severe than abstract justice demands must be inflicted. On the other hand, it may be that entire self-maintenance would entail on the wholly-unskilled criminal, a punishment too grievous to be borne. But any such shortcomings do not affect our argument. All we insist on is, that the commands of absolute morality shall be obeyed as far as possible—that we shall fulfil them up to those limits beyond which experiment proves that more evil than good results—that, ever keeping in view the ideal, each change we make shall be towards its realization.

But now we are prepared to say, that this ideal may be in great part realized at the present time. Experience in various countries, under various circumstances, has shown that immense benefits result from substituting for the old penal systems, systems that approximate to that above indicated. Germany, France, Spain, England, Ireland, and Australia, send statements to the effect that the most successful criminal discipline, is a discipline of decreased restraints and increased self-dependence. And the evidence proves the success to be greatest, where the nearest approach is made to the arrangements prescribed by abstract justice. We shall find the facts striking: some of them even astonishing.

When M. Obermair was appointed Governor of the Munich State-Prison—

"He found from 600 to 700 prisoners in the jail, in the worst state of insubordination, and whose excesses, he was told, defied the harshest and most stringent discipline; the prisoners were all chained together, and attached to each chain was an iron weight, which the strongest found difficulty in dragging along. The guard consisted of about 100 soldiers, who did duty not only at the gates and around the walls, but also in the passages, and even in the workshops and dormitories; and, strangest of all protections against the possibility of an outbreak or individual invasion, twenty to thirty large savage dogs, of the bloodhound breed, were let loose at night in the passages and courts to keep their watch and ward.

According to his account the place was a perfect Pandemonium, comprising, within the limits of a few acres, the worst passions, the most slavish vices, and the most heartless tyranny."

M. Obermair gradually relaxed this harsh system. He greatly lightened the chains; and would, if allowed, have thrown them aside. The dogs, and nearly all the guards, were dispensed with; and the prisoners were treated with such consideration as to gain their confidence. Mr. Baillie-Cochrane, who visited the place in 1852, says the prison-gates were

"Wide open, without any sentinel at the door, and a guard of only twenty men idling away their time in a guard-room off the entrance-hall. . . . . None of the doors were provided with bolts and bars; the only security was an ordinary lock, and as in most of the rooms the key was not turned, there was no obstacle to the men walking into the passage. . . . . Over each workshop some of the prisoners with the best characters were appointed overseers, and M. Obermair assured me that if a prisoner transgressed a regulation, his companions generally told him, 'Es ist verboten' (it is forbidden), and it rarely happened that he did not yield to the opinion of his fellow-prisoners. . . . . Within the prison walls every description of work is carried on; the prisoners, divided into different gangs and supplied with instruments and tools, make their own clothes, repair their own prison walls, and forge their own chains, producing various specimens of manufacture which are turned to most excellent account—the result being, that each prisoner, by occupation and industry, maintains himself; the surplus of his earnings being given him on his emancipation, avoids his being parted with in a state of destitution."

And further, the prisoners "associate in their leisure hours, without any check on their intercourse, but at the same time under an efficient system of observation and control"—an arrangement by which, after many years' experience, M. Obermair asserts that morality is increased.

And now what has been the result? During his six-years' government of the Kaiserslauten (the first prison under his care), M. Obermair discharged 132 criminals, of which number 123 have since conducted themselves well, and 7 have been recommitted. From the Munich prison, between 1843 and 1845, 298 prisoners were discharged. Of these, 246 have been restored, improved, to society. Those whose characters are doubtful, but have not been

remanded for any criminal act, 26; again under examination, 4; punished by the police, 6; remanded, 8; died, 8." This statement, says M. Obermair, "is based on irrefutable evidence." And to the reality of his success, we have the testimony not only of Mr. Baillie-Cochrane, but of the Rev. C. H. Townsend, Mr. George Combe, Mr. Matthew Hill, and Sir John Milbanke, our Envoy at the Court of Bavaria.

Take, again, the case of Mettray. Every one has heard something about Mettray, and its success as a reformatory of juvenile criminals. Observe how nearly the successful system there pursued, conforms to the abstract principles above enunciated.

This "Colonie Agricole" is "without wall or enclosure of any sort, for the purposes at least of confinement;" and except when for some fault a child is temporarily put in a cell, there is no physical restraint. The life is industrial: the boys being brought up to trades or agriculture as they prefer; and all the domestic services being discharged by them. "They all do their work by the *piece;*" are rewarded according to the judgment of the *chef d'atelier;* and, a portion being placed at the disposal of the child, the rest is deposited in the savings-bank at Tours. "A boy in receipt of any money has to make payment for any part of his dress which requires to be renewed before the stated time arrives at which fresh clothing is given out; . . . . . on the other hand, if his clothes are found in good condition at such time, he receives the benefit of it by having the money which would have been laid out in clothes placed to his account. Two hours per day are allowed for play. Part-singing is taught; and if a boy shows any turn for drawing he receives a little instruction in it. . . . . Some of the boys also are formed into a fire-brigade, and have rendered at times substantial assistance in the neighbourhood." In which few leading facts do we not clearly see that the essential peculiarities are—

no more restraint than is absolutely necessary; self-support as far as possible; extra benefits earned by extra labour; and as much gratifying exercise of faculties as the circumstances permit.

The "intermediate system" which has of late been carried out with much success in Ireland, exemplifies, in a degree, the practicability of the same general principles. Under this system, prisoners working as artizans are allowed "such a modified degree of liberty as shall in various ways prove their power of self-denial and self-dependence, in a manner wholly incompatible with the rigid restraints of an ordinary prison." An offender who has passed through this stage of probation, is tested by employment "on messenger's duties daily throughout the city, and also in special works required by the department outside the prison-walls. The performance of the duties of messengers entails their being out until seven or eight in the evening, unaccompanied by an officer; and although a small portion of their earnings is allowed them weekly, and they would have the power of compromising themselves if so disposed, not one instance has as yet taken place of the slightest irregularity, or even the want of punctuality, although careful checks have been contrived to detect either, should it occur." A proportion of their prison-earnings is set aside for them in a savings-bank; and to this they are encouraged to add during their period of partial freedom, with a view to subsequent emigration. The results are:—"In the penitentiary the greatest possible order and regularity, and an amount of willing industry performed that cannot be obtained in the prisons." Employers to whom prisoners are eventually transferred, "have on many occasions returned for others in consequence of the good conduct of those at first engaged." And according to Captain Crofton's pamphlet of 1857, out of 112 conditionally discharged during the previous year, 85 were going on satisfactorily, "9 have been discharged

too recently to be spoken of, and 5 have had their licences revoked. As to the remaining 13, it has been found impossible to obtain accurate information, but it is supposed that 5 have left the country, and 3 enlisted."

The "mark system" of Captain Maconochie, is one which more fully carries out the principle of self-maintenance, under restraints no greater than are needful for safety. The plan is to join with time-sentences certain labour-sentences—specific tasks to be worked out by the convicts. "No rations, or other supplies of any kind, whether of food, bedding, clothing, or even education or indulgences, to be given *gratuitously*, but all to be made exchangeable, at fixed rates, at the prisoners' own option, for marks previously earned; it being understood, at the same time, that only those shall count towards liberation which remain over and above all so exchanged; the prisoners being thus caused to depend for every necessary on their own good conduct; and their prison-offences to be in like manner restrained by corresponding fines imposed according to the measures of each." The use of marks, which thus play the part of money, was first introduced by Captain Maconochie in Norfolk Island. Describing the working of his method, he says—

"First, it gave me wages and then fines. One gave me willing and progressively-skilled labourers, and the other saved me from the necessity of imposing brutal and demoralizing punishments. . . . . My form of money next gave me school fees. I was most anxious to encourage education among my men, but as I refused them rations gratuitously, so I would not give them schooling either, but compelled them to yield marks to acquire it. . . . . I never saw adult schools make such rapid progress. . . . . My form of money next gave me bailbonds in cases of minor or even great offences; a period of close imprisonment being wholly or in part remitted in consideration of a sufficient number of other prisoners of good character becoming bound, under a penalty, for the improved conduct of the culprit."

Even in the establishment of a sick-club and a burial-club, Captain Maconochie applied "the inflexible principle of giving nothing for nothing." That is to say, here, as throughout, he made the discipline of the prisoners as

much like the discipline of ordinary life as possible: let them experience just such good or evil as naturally flowed from their conduct—a principle which he rightly asserts is the only true one. What were the effects? The extreme debasement of Norfolk Island convicts was notorious; and on a preceding page we have described some of the horrible sufferings inflicted on them. Yet, starting with these most demoralized of criminals, Captain Maconochie obtained highly-favourable results. "In four years," he says, "I discharged 920 doubly-convicted men to Sydney, of whom only 20, or 2 per cent., had been re-convicted up to January, 1845;" while, at the same time, the ordinary proportion of re-convicted Van Diemen's Land men, otherwise trained, was 9 per cent. "Captain Maconochie," writes Mr. Harris in his *Settlers and Convicts*, "did more for the reformation of these unhappy wretches, and amelioration of their physical circumstances, than the most sanguine practical mind could beforehand have ventured even to hope." Another witness says—"a reformation far greater than has been hitherto effected in any body of men by any system, either before or after yours, has taken place in them." "As pastor of the island, and for two years a magistrate, I can prove that at no period was there so little crime," writes the Rev. B. Naylor. And Thomas H. Dixon, Chief Superintendent of Convicts in Western Australia, who partially introduced the system there in 1856, asserts that not only was the amount of work done under it extraordinary, but that "even although the characters of some of the party were by no means good previously (many of them being men whose licences had been revoked in England), yet the transformation which in this and all other respects they underwent, was very remarkable indeed." If such were the results, when the method was imperfectly carried out (for the Government all along refused to give any fixed value to the marks as a means to liberation); what might be

expected if its motives and restraints were allowed their full influence?

Perhaps, however, of all evidence, the most conclusive is that afforded by the prison of Valencia. When, in 1835, Colonel Montesinos was appointed governor, "the average of re-committals was from 30 to 35 per cent. per annum—nearly the same that is found in England and other countries in Europe; but such has been the success of his method, that for the last three years *there has not been even one re-committal to it*, and for the ten previous years they did not, on an average, exceed 1 per cent." And how has this marvellous change been brought about? By diminished restraint and industrial discipline. The following extracts, taken irregularly from Mr. Hoskins's *Account of the Public Prison at Valencia*, will prove this:—

"When first the convict enters the establishment he wears chains, but on his application to the commander they are taken off, unless he has not conducted himself well."

"There are a thousand prisoners, and in the whole establishment I did not see above three or four guardians to keep them in order. They say there are only a dozen old soldiers, and not a bar or bolt that might not be easily broken—apparently not more fastenings than in any private house."

"When a convict enters, he is asked what trade or employment he will work at or learn, and above forty are open to him. . . . . There are weavers and spinners of every description; . . . . blacksmiths, shoemakers, basketmakers, ropemakers, joiners, cabinetmakers, making handsome mahogany drawers; and they had also a printing machine hard at work."

"The labour of every description for the repair, rebuilding, and cleaning the establishment, is supplied by the convicts. They were all most respectful in demeanour, and certainly I never saw such a good-looking set of prisoners, useful occupations (and other considerate treatment) having apparently improved their countenances. . . . . [And besides a] garden for exercise planted with orange trees, there was also a poultry yard for their amusement, with pheasants and various other kinds of birds; washing-houses, where they wash their clothes; and a shop, where they can purchase, if they wish, tobacco and other little comforts out of one-fourth of the profits of their labour, which is given to them. Another fourth they are entitled to when they leave; the other half goes to the establishment, *and often this is sufficient for all expenses, without any assistance from the Government.*"

Thus the highest success, regarded by Mr. Hoskins as

"really a miracle," is achieved by a system most nearly conforming to those dictates of absolute morality on which we have insisted. The convicts are almost, if not quite, self-supporting. They are subject neither to gratuitous penalties nor unnecessary restrictions. While made to earn their living, they are allowed to purchase such enjoyments as consist with their confinement: the avowed principle being, in the words of Colonel Montesinos, to "give as much latitude to their free agency as can be made conformable to discipline at all." Thus they are (as we found that equity required they should be) allowed to live as satisfactorily as they can, under such restraints only as are needful for the safety of their fellow-citizens.

To us it appears extremely significant that there should be so close a correspondence between *a priori* conclusions, and the results of experiments tried without reference to such conclusions. On the one hand, neither in the doctrines of pure equity with which we set out, nor in the corollaries drawn from them, is there any mention of criminal-reformation: our concern has been solely with the rights of citizens and convicts in their mutual relations. On the other hand, those who have carried out the improved penal systems above described, have had almost solely in view the improvement of the offender: the just claims of society, and of those who sin against it, having been left out of the question. Yet the methods which have succeeded so marvellously in decreasing criminality, are the methods which most nearly fulfil the requirements of abstract justice.

That the most equitable system is the one best calculated to reform the offender, may indeed be deductively shown. The internal experience of every one must prove to him, that excessive punishment begets, not penitence, but indignation and hatred. So long as an aggressor suffers nothing beyond the evils which have naturally resulted from his misconduct—so long as he perceives that his fellow-men have done no more than was needful for self-defence—he

has no excuse for anger; and is led to contemplate his crime and his punishment as cause and effect. But if gratuitous sufferings are inflicted on him, a sense of injustice is produced. He regards himself as an injured man. He cherishes animosity against all who have brought this harsh treatment on him. Glad of any plea for forgetting the injury he has done to others, he dwells instead on the injury others have done to him. Thus nurturing a desire for revenge rather than atonement, he re-enters society not better but worse; and if he does not commit further crimes, as he often does, he is restrained by the lowest of motives—fear. Again, this industrial discipline, to which criminals subject themselves under a purely equitable system, is the discipline they especially need. Speaking generally, we are all compelled to work by the necessities of our social existence. For most of us this compulsion suffices; but there are some whose aversion to labour cannot be thus overcome. Not labouring, and yet needing sustenance, they are compelled to obtain it in illegitimate ways; and so bring on themselves the legal penalties. The criminal class being thus in great part recruited from the idle class; and the idleness being the source of the criminality; it follows that a successful discipline must be one which shall cure the idleness. The natural compulsions to labour having been eluded, the thing required is that the offender shall be so placed that he cannot elude them. And this is just what is done under the system we advocate. Its action is such that men whose natures are ill-adapted to the conditions of social life, bring themselves into a position in which a better adaptation is forced on them by the alternative of starvation. Lastly, let us not forget that this discipline which absolute morality dictates, is salutary, not only because it is industrial, but because it is voluntarily industrial. As we have shown, equity requires that the confined criminal shall be left to maintain himself—that is, shall be

left to work much or little, and to take the consequent plenitude or hunger. When, therefore, under this sharp but natural spur, a prisoner begins to exert himself, he does so by his own will. The process which leads him into habits of labour, is a process by which his self-control is strengthened; and this is what is wanted to make him a better citizen. It is to no purpose that you make him work by external coercion; for when he is again free, and the coercion absent, he will be what he was before. The coercion must be an internal one, which he shall carry with him out of prison. It avails little that you force him to work; he must force himself to work. And this he will do, only when placed in those conditions which equity dictates.

Here, then, we find a third order of evidences. Psychology supports our conclusion. The various experiments above detailed, carried out by men who had no political or ethical theories to propagate, have established facts which we find to be quite concordant, not only with the deductions of absolute morality, but also with the deductions of mental science. Such a combination of different kinds of proof, cannot, we think, be resisted.

And now let us try whether, by pursuing somewhat further the method thus far followed, we can see our way to the development of certain improved systems which are coming into use.

Equity requires that the restraint of the criminal shall be as great as is needful for the safety of society; but not greater. In respect to the *quality* of the restraint, there is little difficulty in interpreting this requirement; but there is considerable difficulty in deciding on the *duration* of the restraint. No obvious mode presents itself of finding out how long a transgressor must be held in legal bondage, to insure society against further injury from him. A longer period than is necessary, implies an actual injustice to

the offender. A shorter period than is necessary, implies a potential injustice to society. And yet, without good guidance, one or other of these extremes is almost sure to be fallen into.

At present, the lengths of penal sentences are fixed in a manner that is wholly empirical. For offences defined in certain technical ways, Acts of Parliament assign transportations and imprisonments, having durations not greater than so much nor less than so much: these partially-determined periods being arbitrarily fixed by legislators, under the promptings of moral feeling. Within the assigned limits the judge exercises his discretion; and in deciding on the time over which the restraint shall extend, he is swayed, partly by the special quality of the offence, partly by the circumstances under which it was committed, partly by the prisoner's appearance and behaviour, partly by the character given to him. And the conclusion he arrives at after consideration of these data, depends very much on his individual nature—his moral bias and his theories of human conduct. Thus the mode of fixing the lengths of penal restraints, is from beginning to end, little else than guessing. How ill this system of guessing works, we have abundant proofs. "Justices' justice," which illustrates it in its simplest form, has become a bye-word; and the decisions of higher criminal court frequently err in the directions of both undue severity and undue lenity. Daily there occur cases of extremely-trifling transgressions visited with imprisonments of considerable lengths; and daily there occur cases in which the punishments are so inadequate, that the offenders time after time commit new crimes, when time after time discharged from custody.

Now the question is whether, in place of this purely empirical method which answers so ill, equity can guide us to a method which shall more correctly adjust the period of restraint to the requirement. We believe it can. We believe that by following out its dictates, we shall arrive

at a method that is in great measure self-acting; and therefore less liable to be vitiated by errors of individual judgment or feeling.

We have seen that were the injunctions of absolute morality obeyed, every transgressor would be compelled to make restitution or compensation. Throughout a considerable range of cases, this would itself involve a period of restraint varying in proportion to the magnitude of the offence. It is true that when the malefactor possessed ample means, the making restitution or compensation would usually be to him but a slight punishment. But though in these comparatively few cases, the regulation would fall short of its object, in so far as its effect on the criminal was concerned, yet in the immense majority of cases—in all cases of aggressions committed by the poorer members of the community—it would act with efficiency. It would involve periods of detention that would be longer or shorter according as the injury done was greater or less, and according as the transgressor was idle or industrious. And although between the injury done by an offender and his moral turpitude, there is no constant and exact proportion, yet the greatness of the injury done, affords, on the average of cases, a better measure of the discipline required, than do the votes of Parliamentary majorities and the guesses of judges.

But our guidance does not end here. An endeavour still further to do that which is strictly equitable, will carry us still nearer to a correct adjustment of discipline to delinquency. When, having enforced restitution, we insist on some adequate guarantee that society shall not again be injured, and accept any guarantee that is sufficient, we open the way to a self-acting regulator of the period of detention. Already our laws are in many cases satisfied with securities for future good behaviour. Already this system manifestly tends to separate the more vicious from the less vicious; seeing that, on the average, the difficulty of find-

ing securities is great in proportion as the character is bad. And what we propose is that this system, now confined to particular kinds of offences, shall be made general. But let us be more specific.

A prisoner on his trial calls witnesses to testify to his previous character—that is, if his character has been tolerably good. The evidence thus given weighs more or less in his favour, according to the respectability of the witnesses, their number, and the nature of their testimony. Taking into account these several elements, the judge forms his conception of the delinquent's general disposition, and modifies the length of punishment accordingly. Now, may we not fairly say that if the current opinion respecting a convict's character could be brought *directly* to bear in qualifying the statutory sentence, instead of being brought *indirectly* to bear, as at present, it would be a great improvement? Clearly the estimate made by a judge from such testimony, must be less accurate than the estimate made by the prisoner's neighbours and employers. Clearly, too, the opinion expressed by such neighbours and employers in the witness-box, is less trustworthy than an opinion which entails on them serious responsibility. *The desideratum is, that a prisoner's sentence shall be qualified by the judgment of those who have had life-long experience of him; and that the sincerity of this judgment shall be tested by their readiness to act on it.*

But how is this to be done? A very simple method of doing it has been suggested.* When a convict has fulfilled his task of making restitution or compensation, let it be possible for one or other of those who have known him, to take him out of confinement, on giving adequate bail for his good behaviour. Always premising that such an arrangement shall be possible only under an official permit, to be withheld if the prisoner's conduct has been unsatisfactory; and always premising that the person who offers bail shall

* We owe the suggestion to the late Mr. Octavius H. Smith.

be of good character and means; let it be competent for such a one to liberate a prisoner by being bound on his behalf for a specific sum, or by undertaking to make good any injury which he may do to his fellow-citizens within a specified period. This will doubtless be thought a startling proposal. We shall, however, find good reasons to believe it might be safely acted on—nay, we shall find facts proving the success of a plan that is obviously less safe.

Under such an arrangement, the liberator and the convict would usually stand in the relation of employer and employed. Those to be thus conditionally released, would be ready to work for somewhat lower wages than were usual in their occupation; and those who became bound for them, besides having this economy of wages as an incentive, would be in a manner guaranteed by it against the risk undertaken. In working for less money, and in being under the surveillance of his master, the convict would still be undergoing a mitigated discipline. And while, on the one hand, he would be put on his good behaviour by the consciousness that his master might at any time cancel the contract and surrender him back to the authorities, he would, on the other hand, have a remedy against his master's harshness, in the option of returning to prison, and there maintaining himself for the remainder of his term.

Observe, next, that the difficulty of obtaining such conditional release would vary with the gravity of the offence which had been committed. Men guilty of heinous crimes would remain in prison; for none would dare to become responsible for their good behaviour. Any one convicted a second time would remain unbailed for a much longer period than before; seeing that having once inflicted loss on some one bound for him, he would not again be so soon offered the opportunity of doing the like: only after a long period of good behaviour testified to by prison-officers, would he be likely to get another chance. Conversely, those whose transgressions were not serious, and who had usually been well-

conducted, would readily obtain recognizances; while to venial offenders this qualified liberation would come as soon as they had made restitution. Moreover, when innocent persons had been pronounced guilty, as well as when solitary misdeeds had been committed by those of really superior natures, the system we have described would supply a remedy. From the wrong verdicts of the law and its mistaken estimates of turpitude, there would be an appeal; and long-proved worth would bring its reward in the mitigation of grievous injustices.

A further advantage would by implication result, in the shape of a long industrial discipline for those who most needed it. Speaking generally, diligent and skilful workmen, who were on the whole useful members of society, would, if their offences were not serious, soon obtain employers to give bail for them. Whereas members of the criminal class—the idle and the dissolute—would remain long in confinement; since, until they had been brought by habitual self-maintenance under restraint, to something like industrial efficiency, employers would not be tempted to become responsible for them.

We should thus have a self-acting test, not only of the length of restraint required for social safety, but also of that apprenticeship to labour which many convicts need; while there would be supplied a means of rectifying sundry failures and excesses of our present system. The plan would practically amount to an extension of trial by jury. At present, the State calls in certain of a prisoner's fellow-citizens to decide whether he is guilty or not guilty: the judge, under guidance of the penal laws, being left to decide what punishment he deserves, if guilty. Under the arrangement we have described, the judge's decision would admit of modification by a jury of the convict's neighbours. And this natural jury, while it would be best fitted by previous knowledge of the man to form an opinion, would be rendered cautious by the sense of grave responsibility; inasmuch as

any one of its number who gave a conditional release, would do so at his own peril.

And now mark that all the evidence forthcoming to prove the safety and advantages of the "intermediate system," proves, still more conclusively, the safety and advantages of this system which we would substitute for it. What we have described, is nothing more than an intermediate system reduced to a natural instead of an artificial form—carried out with natural checks instead of artificial checks. If, as Captain Crofton has experimentally shown, it is safe to give a prisoner conditional liberation, on the strength of good conduct during a certain period of prison-discipline; it is evidently safer to let his conditional liberation depend not alone on good conduct while under the eyes of his jailors, but also on the character he had earned during his previous life. If it is safe to act on the judgments of officials whose experience of a convict's behaviour is comparatively limited, and who do not suffer penalties when their judgments are mistaken; then, manifestly, it is safer (when such officials can show no reason to the contrary), to act on the additional judgment of one who has not only had better opportunities of knowing the convict, but who will be a serious loser if his judgment proves erroneous. Further, that surveillance over each conditionally-liberated prisoner, which the "intermediate system" exercises, would be still better exercised when, instead of going to a strange master in a strange district, the prisoner went to some master in his own district; and, under such circumstances, it would be easier to get information respecting his after-career. There is every reason to think that this method would be workable. If, on the recommendation of the officers, Captain Crofton's prisoners obtain employers "who have on many occasions returned for others, in consequence of the good conduct of those at first engaged;" still better would be the action of the system when, instead of the employers having "every

facility placed at their disposal for satisfying themselves as to the antecedents of the convict," they were already familiar with his antecedents.

Finally, let us not overlook the fact, that this course is the only one which, while duly consulting social safety, is also entirely just to the prisoner. As we have shown, the restraints imposed on a criminal are warranted by absolute equity, only to the extent needful to prevent further aggressions on his fellow-men; and when his fellow-men impose greater restraints than these, they trespass against him. Hence, when a prisoner has worked out his task of making restitution, and, so far as is possible, undone the wrong he had done, society is, in strict justice, bound to accept any arrangement which adequately protects its members against further injury. And if, moved by the expectation of profit, or other motive, any citizen sufficiently substantial and trustworthy, will take on himself to hold society harmless, society must agree to his proposal. All it can rightly require is, that the guarantee against contingent injury *shall* be adequate; which, of course, it never can be where the contingent injury is of the gravest kind. No bail could compensate for murder; and therefore against this, and other extreme crimes, society would rightly refuse any such guarantee, even if offered, which it would be very unlikely to be.

Such, then, is our code of prison-ethics. Such is the ideal which we ought to keep ever in view when modifying our penal system. Again we say, as we said at the outset, that the realization of such an ideal wholly depends on the advance of civilization. Let no one carry away the impression that we regard all these purely equitable regulations as immediately practicable. Though they may be partially carried out, we think it highly improbable that they could at present be carried out in full. The number of offenders, the low average of enlightenment, the ill-working of adminis-

trative machinery, and above all, the difficulty of obtaining officials of adequate intelligence, good feeling, and self-control, are obstacles which must long stand in the way of a system so complex as that which morality dictates. And we here assert, as emphatically as before, that the harshest penal system is ethically justified if it is as good as the circumstances of the time permit. However great the cruelties it inflicts, yet if a system theoretically more equitable would not be a sufficient terror to evil-doers, or could not be worked, from lack of officers sufficiently judicious, honest, and humane—if less rigorous methods would entail a diminution of social security; then the methods in use are extrinsically good though intrinsically bad. They are, as before said, the least wrong, and therefore relatively right.

Nevertheless, as we have endeavoured to prove, it is immensely important that, while duly considering the relatively right, we should keep the absolutely right constantly in view. True as it is that, in this transition state, our conceptions of the ultimately expedient must ever be qualified by our experience of the proximately expedient; it is not the less true that the proximately expedient cannot be determined unless the ultimately expedient is known. Before we can say what is as good as the time permits, we must say what is abstractedly good; for the first idea involves the last. We must have some fixed standard, some invariable measure, some constant clue; otherwise we shall inevitably be misled by the suggestions of immediate policy, and wander away from the right rather than advance towards it. This conclusion is fully borne out by the facts we have cited. In other cases, as well as in the case of penal discipline, the evidence shows how terribly we have erred from obstinately refusing to consult first principles and clinging to an unreasoning empiricism. Though, during civilization, grievous evils have occasionally arisen from attempts suddenly to realize absolute rectitude, yet a

greater sum total of evils has arisen from the more usual course of ignoring absolute rectitude. Age after age, effete institutions have been maintained far longer than they would else have been, and equitable arrangements have been needlessly postponed. Is it not time for us to profit by past lessons?

Postscript.—Since the publication of this essay in 1860 further evidence supporting its conclusions has been made public. Dr. F. J. Mouat, late Inspector-General of Gaols in Lower Bengal, has given, in various pamphlets and articles, dating from 1872, accounts of his experiences, which entirely harmonize with the foregoing general argument. Speaking of three leading systems of prison-discipline, "based on opposite theories," he says:—

"The oldest is, that a prison should be rendered a terror to evil doers by the infliction of as much pain as can be inflicted, without direct injury to health or risk to life. The second plan is a graduated system of punishment, from which the direct infliction of pain is eliminated, and the prisoner is allowed to work his way to freedom and mitigation of sentence, by mere good conduct in jail. The third, and in my humble judgment the best, is to convert every prison into a school of industry, labour being used as an instrument of punishment, discipline, and reformation."—*Prison Industry in its Primitive, Reformatory, and Economic Aspects* (London, Nov. 1889).

In his pamphlet on the *Prison System of India*, published in 1872, Dr. Mouat contends:—

"That remunerative prison labour is an efficient instrument of punishment and reformation by occupying the whole available time of criminals in uncongenial and compulsory employments; by teaching them the means of gaining an honest livelihood on release; by the inculcation of habits of order and industry, to the displacement of the irregularity and idleness which are the sources of so much vice and crime; and by repaying to the State the whole or part of the cost of repression of crime by the compulsory industry of the unproductive classes, and thus relieving the community at large from a burden which it is at present compelled to bear.

"That the economic objections to the remunerative employment of convicts are unsound and untenable; and that even if they were true as respects individuals and small sections of the community, the interests of the minority should yield to the general welfare."

Once more, under the title *Prison Discipline and its Results in Bengal*, first published in the *Journal of the*

*Society of Arts* in 1872, Dr. Mouat, after describing an exhibition of gaol-manufactures held in Calcutta in 1856, urges "that every prisoner sentenced to labour should be made to repay to the State the whole cost of his punishment in gaol; . . . and that prisons should be made, as much as possible, schools of industry, as combining, more completely than can be effected by any other system, the punishment of the offender, with the protection of society." He then goes on to show what have been the results of the self-supporting system:—

"The net profits realized from the labour of the convicts actually employed in handicrafts, after deducting the cost of production, were, in round numbers, as follows:—

| | £ | | £ |
|---|---|---|---|
| 1855–56 ..... | 11,019 | 1864–65..... | 32,988 |
| '56–57 ..... | 12,300 | '65–66..... | 35,543 |
| '57–58 ..... | 10,841 | '66 ..... | 14,287 |
| '59–60 ..... | 14,065 | '67 ..... | 41,168 |
| '60–61 ..... | 23,124 | '68 ..... | 56,817 |
| '61–62 ..... | 54,542 | '69 ..... | 46,588 |
| '62–63 ..... | 30,604 | '70 ..... | 45,274 |
| '63–64 ..... | 54,542 | | |

In all, nearly half a million of money. In 1866, the accounts were made up for only eight months, to introduce the calendar in place of the official year, which ended on the 30th of April.

"If the limits of time and space permitted, I could show you in minute detail that each skilled prisoner employed in handicrafts, striking the average of all the jails, earned considerably more than he cost; that five of the prisons under my charge were at various times self-supporting, and that one of them, the great industrial prison at Alipore, a suburb of Calcutta, has repaid very considerably more than its cost, for the last ten years continuously."

As Dr. Mouat held the position of Inspector-General of Gaols in Lower Bengal for 15 years, and as, during that period, he had under his control an average of 20,000 prisoners, it may, I think, be held that his experiences have been tolerably extensive, and that a system justified by such experiences is worthy of adoption. Unfortunately, however, men pooh-pooh those experiences which do not accord with their foregone conclusions.

I have occasionally vented the paradox that mankind go

right only when they have tried all possible ways of going wrong: intending it to be taken with some qualification. Of late, however, I have observed that in some respects this paradox falls short of the truth. Sundry instances have shown me that even when mankind have at length stumbled into the right course, they often deliberately return to the wrong.

# THE ETHICS OF KANT.

[*From the* Fortnightly Review *for July* 1888. *This essay was called forth by attacks on me made in essays published in preceding numbers of the* Fortnightly Review—*essays in which the Kantian system of ethics was lauded as immensely superior to the system of ethics defended by me. The last section now appears for the first time.*]

If, before Kant uttered that often-quoted saying in which, with the stars of Heaven he coupled the conscience of Man, as being the two things that excited his awe, he had known more of Man than he did, he would probably have expressed himself somewhat otherwise. Not, indeed, that the conscience of Man is not wonderful enough, whatever be its supposed genesis; but the wonderfulness of it is of a different kind according as we assume it to have been supernaturally given or infer that it has been naturally evolved. The knowledge of Man in that large sense which Anthropology expresses, had made, in Kant's day, but small advances. The books of travel were relatively few, and the facts which they contained concerning the human mind as existing in different races, had not been gathered together and generalized. In our days the conscience of Man, as inductively known, has none of that universality of presence and unity of nature, which Kant's saying tacitly assumes. Sir John Lubbock writes :—

"In fact, I believe that the lower races of men may be said to be deficient

in the idea of right. . . . . That there should be any races of men so deficient in moral feeling, was altogether opposed to the preconceived ideas with which I commenced the study of savage life, and I have arrived at the conviction by slow degrees, and even with reluctance."—*Origin of Civilization*, 1882, pp. 404-5.

But now let us look at the evidence from which this impression is derived, as we find it in the testimonies of travellers and missionaries.

Praising his deceased son, Tui Thakau, a Fijian Chief, concluded "by speaking of his daring spirit and consummate cruelty, as he could kill his own wives if they offended him, and eat them afterwards."—*Western Pacific.* J. E. Erskine, p. 248.

"Shedding of blood is to him no crime, but a glory . . . . to be somehow an acknowledged murderer is the object of the Fijian's restless ambition."—*Fiji and the Fijians.* Rev. T. Williams, i., p. 112.

"It is a melancholy fact that when they [the Zulu boys] have arrived at a very early age, should their mothers attempt to chastise them, such is the law, that these lads are at the moment allowed to kill their mothers."—*Travels and Adventures in Southern Africa.* G. Thompson, ii., p. 418.

"Murther, adultery, thievery, and all other such like crimes, are here [Gold Coast] accounted no sins."—*Description of the Coast of Guinea.* W. Bosman, p. 130.

"The accusing conscience is unknown to him [the East African]. His only fear after committing a treacherous murder is that of being haunted by the angry ghost of the dead."—*Lake Regions of Central Africa.* R. F. Burton, ii., p. 336.

"I never could make them [East Africans] understand the existence of good principle."—*The Albert N'Yanza.* S. W. Baker, i., pp. 241.

"The Damaras kill useless and worn-out people; even sons smother their sick fathers."—*Narrative of an Explorer in Tropical South Africa.* F. Galton, p. 112.

The Damaras "seem to have no perceptible notion of right and wrong."—*Ibid.* p. 72.

Against these we may set some converse facts. At the other extreme we have a few Eastern tribes—pagans they are called—who practise the virtues which Western nations—Christians they are called—do but teach. While Europeans thirst for blood-revenge in much the same way as the lowest savages, there are some simple peoples of the Indian Hills, as the Lepchas, who "are singularly forgiving of injuries;"* and Campbell exemplifies "the effect of a

* Campbell in *Journal of the Ethnological Society*, July, N. S. vol. i., 1869, p. 150.

very strong sense of duty on this savage."* That character which the creed of Christendom is supposed to foster is exhibited in high degree by the Arafuras (Papuans) who live in "peace and brotherly love with one another"† to such extent that government is but nominal. And concerning various of the Indian Hill-tribes, as the Santáls, Sowrahs, Marias, Lepchas, Bodo and Dhimáls, different observers testify of them severally that "they were the most truthful set of men I ever met,"‡ "crime and criminal officers are almost unknown,"§ "a pleasing feature in their character is their complete truthfulness,"‖ "they bear a singular character for truthfulness and honesty,"¶ they are "wonderfully honest,"** "honest and truthful in deed and word."†† Irrespective of race, we find these traits in men who are, and have long been, absolutely peaceful (the uniform antecedent), be they the Jakuns of the South Malayan Peninsula, who "are never known to steal anything, not even the most insignificant trifle,"‡‡ or be it in the Hos of the Himalaya, among whom "a reflection on a man's honesty or veracity may be sufficient to send him to self-destruction."§§ So that in respect of conscience these uncivilized people are as superior to average Europeans, as average Europeans are superior to the brutal savages previously described.

Had Kant had these and kindred facts before him,

* *Ibid.* p. 154.

† Dr. H. Kolff, *Voyages of the Dutch brig "Dourga."* Earl's translation, pp. 161.

‡ W. W. Hunter, *Annals of Rural Bengal*, p. 248.

§ *Ibid.* p. 217.

‖ Dr. J. Shortt, *Hill Ranges of Southern India*, pt. iii., p. 38.

¶ Glasfind in *Selections from the Records of Government of India* (Foreign Department), No. xxxix., p. 41.

** Campbell in *Journal of the Ethnological Society*, N. S. vol. i., 1869, p. 150.

†† B. H. Hodgson in *Journal of the Asiatic Society of Bengal*, xviii., p. 745.

‡‡ Rev. P. Favre in *Journal of the Indian Archipelago*, ii., p. 266.

§§ Col. E. T. Dalton, *Descriptive Ethnology of Bengal*, p. 206.

his conception of the human mind, and consequently his ethical conception, would scarcely have been what they were. Believing, as he did, that one object of his awe—the stellar Universe—has been evolved, he might by evidence like the foregoing have been led to suspect that the other object of his awe—the human conscience—has been evolved, and has consequently a real nature unlike its apparent nature.

For the disciples of Kant living in our day there can be made no such defence as that which may be made for their master. On all sides of them lie classes of facts of various kinds, which might suffice to make them hesitate, if nothing more. Here are a few such classes of facts.

Though, unlike the uncultured, who suppose everything to be what it appears, chemists had for many generations known that multitudinous substances which seem simple are really compound, and often highly compound; yet, until the time of Sir Humphrey Davy, even chemists had believed that certain substances which resisted all their powers of decomposition, were to be classed among the elements. Davy, however, by subjecting the alkalies to a force not before applied, proved that they are oxides of metals; and, suspecting the like to be the case with the earths, similarly proved the composite nature of these also. Not only the common sense of the uncultured, but the common sense of the cultured was shown to be wrong. Wider knowledge has, as usual, led to greater modesty, and, since Davy's day, chemists have felt less certain that the so-called elements are elementary. Contrariwise, increasing evidence of sundry kinds leads them to suspect more and more strongly that they are all compound.

Alike to the labourer who digs it out and to the carpenter who uses it in his workshop, a piece of chalk appears a thing than which nothing can be simpler; and ninety-nine people out of a hundred would agree with them. Yet a

piece of chalk is highly complex. A microscope shows it to consist of myriads of shells of *Foraminifera*; shows, further, that it contains more kinds than one; and shows, further still, that each minute shell, whole or broken, is formed of many chambers, every one of which once contained a living unit. Thus by ordinary inspection, however close, the true nature of chalk cannot be known; and to one who has absolute confidence in his eyes the assertion of its true nature appears absurd.

Take again a living body of a seemingly uncomplicated kind—say a potato. Cut it through and observe how structureless is its substance. But though unaided vision gives this verdict, aided vision gives a widely different one. Aided vision discovers, in the first place, that the mass is everywhere permeated by vessels of complex formation. Further, that it is made up of innumerable units called cells, each of which has walls composed of several layers. Further still, that each cell contains a number of starch-grains. And yet still further, that each of these grains is formed of layer within layer, like the coats of an onion. So that where there appears perfect simplicity there is really complexity within complexity.

From these examples which the objective world furnishes, let us turn to some examples furnished by the subjective world—some of our states of consciousness. Up to modern times any one who, looking out on the snow, was told that the impression of whiteness it gave him was composed of impressions such as those given by the rainbow, would have regarded his informant as a lunatic; as would even now the great mass of mankind. But since Newton's day, it has become well known to a relatively small number that this is literal fact. Not only may white light be resolved by a prism into a number of brilliant colours, but, by an appropriate arrangement, these colours can be re-combined into white light: the visual sensation which seems perfectly simple proves to be highly compound. Those who habit-

ually suppose that things are what they seem, are wrong here as in multitudinous other cases.

Another example is supplied by the sensation of sound. A solitary note struck on the piano, or a blast from a horn, yields through the ear a feeling which appears homogeneous; and the uninstructed are incredulous if told that it is an intricate combination of noises. In the first place, that which constitutes the more voluminous part of the tone is accompanied by a number of over-tones, producing what is known as its *timbre:* instead of one note, there are half a dozen notes, of which the chief has its character specialized by the others. In the second place, each of these notes, consisting objectively of a rapid series of aërial waves, produces subjectively a rapid series of impressions on the auditory nerve. Either by the appliance of Hooke or by Savart's machine or by the siren, it is proved to demonstration that every musical sound is the product of successive units of sound, each in itself unmusical, which, as they succeed one another with increasing rapidity, produce a tone which progressively rises in pitch. Here again, then, under an apparent simplicity there is a double complexity.

Most of these examples of the illusiveness of unaided perception, whether exercised upon objective or subjective existences, were unknown to Kant. Had they been known to him they might have suggested other views concerning certain of our states of consciousness, and might have given a different character to his philosophy. Let us observe what would possibly have been the changes in two of his cardinal conceptions—metaphysical and ethical.

Our consciousness of Time and Space appeared to him, as they appear to everyone, perfectly simple; and the apparent simplicity he accepted as actual simplicity. Had he suspected that, just as the seemingly homogeneous and undecomposable consciousness of Sound really consists of multitudinous units of consciousness, so might the appa-

rently homogeneous and undecomposable consciousness of Space, he would possibly have been led to inquire whether the consciousness of Space is not wholly composed of infinitely numerous relations of position, such as those which every portion of it presents. And finding that every portion of Space, immense or minute, cannot be either known or conceived save in some relative position to the conscious subject, and that, besides involving the relations of distance and direction, it invariably contains within itself relations of right and left, top and bottom, nearer and farther; he might perhaps have concluded that our consciousness of that matrix of phenomena we call Space, has been built up in the course of Evolution by accumulated experiences registered in the nervous system. And had he concluded this, he would not have committed himself to the many absurdities which his doctrine involves.*

Similarly, if, instead of assuming that conscience is simple because it seems simple to ordinary introspection, he had entertained the hypothesis that it is perhaps complex—a consolidated product of multitudinous experiences received mainly by ancestors and added to by self—he might have arrived at a consistent system of Ethics. That the habitual association of pains with certain things and acts, generation after generation, may produce organic repugnance to such things and acts,† might, had it been known to him, have made him suspect that conscience is a product of Evolution. And in that case his conception of it would not have been incongruous with the facts above named, showing that there are widely different degrees of conscience in different races.

In brief, as already implied, had Kant, instead of his incongruous beliefs that the celestial bodies have had an evolutionary origin, but that the minds of living beings on them, or at least on one of them, have had a non-evolu-

* See *Principles of Psychology*, § 399.

† See *Principles of Psychology*, § 189 (note) and § 520.

tionary origin, entertained the belief that both have arisen by Evolution, he would have been saved from the impossibilities of his Metaphysics, and the untenabilities of his Ethics. To the consideration of these last, let us now pass.

Before doing this, however, something must be said concerning abnormal reasoning as compared with normal reasoning.

Knowledge which is of the highest order in respect of certainty, and which we call exact science, is distinguished from other knowledge by its definitely quantitative previsions.* It sets out with data, and proceeds by steps which, taken together, enable it to say under what specified conditions a specified relation of phenomena will be found; and to say in what place, or at what time, or in what quantity, or all of them, a certain effect will be witnessed. Given the factors of any arithmetical operation, and there is absolute certainty in the result reached, supposing there are no stumblings: stumblings which always admit of detection and disproof by the method which we shall presently find is pursued. Base and angles having been accurately measured, that sub-division of geometry which is called trigonometry yields with certainty the distance or the height of the object of which the position is sought. The ratio of the arms of a lever having been stated, mechanics tells us what weight at one end will balance an assigned weight at the other. And by the aid of these three exact sciences, the Calculus, Geometry, and Mechanics, Astronomy can predict to the minute, for each separate place on the Earth, when an eclipse will begin and end, and how near it will approach to totality. Knowledge of this order has infinite justifications in the successful guidance of infinitely numerous human actions. The accounts of every trader, the operations of every workshop, the navigation of every vessel, depend for their trustworthiness

* See Essay on "Genesis of Science."

on these sciences. The method they pursue, therefore, verified in cases which pass all human power to enumerate, is a method not to be transcended in certainty.

What is this method? Whichever of these sciences we examine, we find the course uniformly pursued to be that of setting out with propositions of which the negations are inconceivable, and advancing by successive dependent propositions, each of which has the like character—that its negation is inconceivable. In a developed consciousness (and of course I exclude minds of which the faculties are unformed) it is impossible to represent things that are equal to the same thing as being themselves unequal; and in a developed consciousness, action and re-action cannot be thought of as other than equal and opposite. In like manner, every *because* and every *therefore*, used in a mathematical argument, connotes a proposition of which the terms are absolutely coherent in the mode alleged: the proof being that an attempt to bring together in consciousness the terms of the opposite proposition is futile. And this method of testing, alike the fundamental propositions and all members of the fabrics of propositions raised upon them, is consistently pursued in verifying the conclusion. Inference and observation are compared; and when they agree, it is held inconceivable that the inference is other than true.

In contrast to the method which I have just described, distinguishable as the legitimate *a priori* method, there is one which may be called—I was about to say, the illegitimate *a priori* method. But the word is not strong enough; it must be called the inverted *a priori* method. Instead of setting out with a proposition of which the negation is inconceivable, it sets out with a proposition of which the affirmation is inconceivable, and therefrom proceeds to draw conclusions. It is not consistent, however: it does not continue to do that which it does at first. Having posited an inconceivable proposition to begin with, it does not

frame its argument out of a series of inconceivable propositions. All steps after the first are of the kind ordinarily accepted as valid. The successive *therefores* and *becauses* have the usual connotations. The peculiarity lies in this, that in every proposition save the first, the reader is expected to admit the logical necessity of an inference drawn, for the reason that the opposite is not thinkable; but he is not supposed to expect a like conformity to logical necessity in the primary proposition. The dictum of a logical consciousness which must be recognized as valid in every subsequent step, must be ignored in the first step. We pass now to an illustration of this method which here concerns us.

The first sentence in Kant's first chapter runs thus:— "Nothing can possibly be conceived in the world, or even out of it, which can be called good without qualification, except a Good Will."* And then on the next page we come upon the following definition:—

"A good will is good not because of what it performs or effects, nor by its aptness for the attainment of some proposed end, but simply by virtue of the volition, that is, it is good in itself, and considered by itself is to be esteemed much higher than all that can be brought about by it in favour of any inclination, nay even of the sum total of all inclinations." †

Most fallacies result from the habit of using words without fully rendering them into thoughts—passing them by with recognitions of their meanings as ordinarily used, without stopping to consider whether these meanings admit of being given to them in the cases named. Let us not rest satisfied with thinking vaguely of what is understood by "a Good Will," but let us interpret the words definitely. Will implies the consciousness of some end. Exclude from it every idea of purpose and the conception of Will disappears. An end of some kind being necessarily implied by the conception of Will, the quality of the Will is determined

* *Kant's Critique of Practical Reason and other works on the Theory of Ethics*, trans. by T. K. Abbott, p. 11.

† *Ibid.* pp. 12-13.

by the quality of the end contemplated. Will itself, considered apart from any distinguishing epithet, is not cognizable by Morality at all. It becomes cognizable by Morality only when it gains its character as good or bad by virtue of its contemplated end as good or bad. If any one doubts this, let him try whether he can think of a good will which contemplates a bad end. The whole question, therefore, centres in the meaning of the word good. Let us look at the meanings habitually given to it.

We speak of good meat, good bread, good wine; by which phrases we mean either things that are palatable, and so give pleasure, or things that are wholesome, and by conducing to health conduce to pleasure. A good fire, good clothing, a good house, we so name because they minister either to comfort, which means pleasure, or gratify the æsthetic sentiment, which also means pleasure. So it is with things which more indirectly further welfare, as good tools or good roads. When we speak of a good workman, a good teacher, a good doctor, it is the same: efficiency in aiding others' well-being is what we indirectly mean. Yet again, good government, good institutions, good laws, connote benefits yielded to the society in which they exist: benefits being equivalent to certain kinds of happiness, positive or negative. But Kant tells us that a good will is one that is good in and for itself without reference to ends. We are not to think of it as prompting acts which will profit the man himself, either by conducing to his health, advancing his culture, or improving his inclinations; for all these are in the long run conducive to happiness, and are urged only for the reason that they do this. We are not to think of a will as good because, by fulfilment of it, friends are saved from sufferings or have their gratifications increased; for this would involve calling it good because of beneficial ends in view. Nor must conduciveness to social ameliorations, present or future, be taken into account when we attempt to conceive

a good will. In short, we are to frame our idea of a good will without any material out of which to frame the idea of good: good is to be used in thought as an eviscerated term.

Here, then, is illustrated what I have called above the inverted *a priori* method of philosophizing: the setting out with an inconceivable proposition. The Kantian Metaphysics starts by asserting that Space is "nothing but" a form of intuition—pertains wholly to the subject and not at all to the object. This is a verbally intelligible proposition, but one of which the terms cannot be put together in consciousness; for neither Kant, nor any one else, ever succeeded in bringing into unity of representation the thought of Space and the thought of Self, as being the one an attribute of the other. And here we see that, just in the same way, the Kantian Ethics begins by positing something which seems to have a meaning but which has really no meaning—something which, under the conditions imposed, cannot be rendered into thought at all. For neither Kant, nor any one else, ever has or ever can, frame a consciousness of a good will when from the word good are expelled all thoughts of those ends which we distinguish by the word good.

Evidently Kant himself sees that his assumption invites attack, for he proceeds to defend it. He says:—

"There is, however, something so strange in this idea of the absolute value of the mere will, in which no account is taken of its utility, that notwithstanding the thorough assent of even common reason to the idea [!], yet a suspicion must arise that it may perhaps really be the product of mere high-flown fancy, &c." (p. 13).

And then to prepare for a justification, he goes on to say:—

"In the physical constitution of an organized being we assume it as a fundamental principle that no organ for any purpose will be found in it but what is also the fittest and best adapted for that purpose" (pp. 13-14).

Now, even had this assumption been valid, the argument he bases upon it, far-fetched as it is, might be considered of very inadequate strength to warrant the supposition that there can be a will conceived as good without any reference

to good ends. But, unfortunately for Kant, the assumption is utterly invalid. In his day it probably passed without question; but in our day few if any biologists would admit it. On the special-creation hypothesis some defence of the proposition might be attempted, but the evolution-hypothesis tacitly negatives it entirely. Let us begin with some minor facts which militate against Kant's supposition. Take, first, rudimentary organs. These are numerous throughout the animal kingdom. While representing organs which were of use in ancestral types, they are of no use in the types possessing them; and, as being rudimentary, they are of necessity imperfect. Moreover, besides being injurious by taxing nutrition to no purpose, they are almost certainly in some cases injurious by being in the way. Then, beyond the argument from rudimentary organs, there is the argument from make-shift organs, which form a large class. We have a conspicuous case in the swimming organ of the seal, formed by the apposition of the two hind limbs—an organ manifestly inferior to one specially shaped for its function, and one which, during early stages of the changes which have produced it, must have been very inefficient. But the untruth of the assumption is best shown by comparing a given organ in a low type of creature with the same organ in a high type. The alimentary canal, for example, in very inferior creatures is a simple tube, substantially alike from end to end, and having throughout all its parts the same function. But in a superior creature this tube is differentiated into mouth, œsophagus, stomach (or stomachs), small and large intestines with their various appended glands pouring in secretions. Now if this last form of alimentary canal is to be regarded as a perfect organ, or something like it, what shall we say of the original form; and what shall we say of all those forms lying between the two? The vascular system, again, furnishes a clear instance. The primitive heart is nothing but a dilatation of the great blood vessel—a pulsatile

sac. But a mammal has a four-chambered heart with valves, by the aid of which the blood is propelled through the lungs for aëration, and throughout the system at large for general purposes. If this four-chambered heart is a perfect organ, what is the primitive heart, and what are the hearts possessed by all the multitudinous creatures below the higher *vertebrata?* Manifestly the process of evolution implies a continual replacing of creatures having inferior organs, by creatures having superior organs; leaving such of the inferior as can survive to occupy inferior spheres of life. This is not only so throughout the whole animal creation up to Man himself, but it is so within the limits of the human race. Both the brains and the lower limbs of various inferior races are ineffective organs, compared with those of superior races. Nay, even in the highest type of Man we have obvious imperfections. The structure of the groin is imperfect: the frequent ruptures which result from it would have been prevented by closure of the inguinal rings during fœtal life after they had performed their office. That all-important organ the vertebral column, too, is as yet but incompletely adapted to the upright posture. Only while the vigour is considerable can there be maintained, without appreciable effort, those muscular contractions which produce the sigmoid flexure, and bring the lumbar portion into such a position that the "line of direction" falls within it. In young children, in boys and girls who are admonished to "sit up," in weakly people, and in the old, the spine lapses into that convex form characteristic of lower *Primates*. It is the same with the balancing of the head. Only by a muscular strain to which habit makes us insensible, as it does to the exposure of the face to cold, is the head maintained in position. Immediately certain cervical muscles are relaxed the head falls forward; and where there is great debility the chin rests permanently on the chest.

So far, indeed, is the assumption of Kant from being true that the very reverse is probably true. After contem-

plating the countless examples of imperfections exhibited in low types of creatures, and decreasing with the ascent to high types, but still exemplified in the highest, anyone who concludes, as he may reasonably do, that Evolution has not yet reached its limit, must infer that most likely no such thing as a perfect organ exists. Thus the basis of the argument by which Kant attempts to justify his assumption that there exists a good will apart from a good end, disappears utterly; and leaves his dogma in all its naked unthinkableness.*

One of the propositions contained in Kant's first chapter

* I find that in the above three paragraphs I have done Kant less than justice and more than justice—less, in assuming that his evolutionary view was limited to the genesis of our sidereal system, and more, in assuming that he had not contradicted himself. My knowledge of Kant's writings is extremely limited. In 1844 a translation of his *Critique of Pure Reason* (then I think lately published) fell into my hands, and I read the first few pages enunciating his doctrine of Time and Space: my peremptory rejection of which caused me to lay the book down. Twice since then the same thing has happened; for, being an impatient reader, when I disagree with the cardinal propositions of a work I can go no further. One other thing I knew. By indirect references I was made aware that Kant had propounded the idea that celestial bodies have been formed by the aggregation of diffused matter. Beyond this my knowledge of his conceptions did not extend; and my supposition that his evolutionary conception had stopped short with the genesis of sun, stars, and planets, was due to the fact that his doctrine of Time and Space, as forms of thought anteceding experience, implied a supernatural origin inconsistent with the hypothesis of natural genesis. Dr. Paul Carus, who, shortly after the publication of this article in the *Fortnightly Review* for July, 1888, undertook to defend the Kantian ethics in the American journal which he edits, *The Open Court*, has now (Sept. 4, 1890), in another defensive article, translated sundry passages from Kant's *Critique of Judgment*, his *Presumable Origin of Humanity*, and his work *Upon the different Races of Mankind*, showing that Kant was, if not fully, yet partially, an evolutionist in his speculations about living beings. There is, perhaps, some reason for doubting the correctness of Dr. Carus's rendering of these passages into English. When, as in the first of the articles just named, he failed to distinguish between consciousness and conscientiousness, and when, as in this last article, he blames the English for mistranslating Kant, since they have said "Kant maintained that Space and Time are intuitions," which is quite untrue, for they have everywhere described him

is that "we find that the more a cultivated reason applies itself with deliberate purpose to the enjoyment of life and happiness, so much the more does the man fail of true satisfaction." A preliminary remark to be made on this statement is that in its sweeping form it is not true. I assert that it is untrue on the strength of personal experiences. In the course of my life there have occurred many intervals, averaging more than a month each, in which the pursuit of happiness was the sole object, and in

as maintaining that Space and Time are *forms* of intuition, one may be excused for thinking that possibly Dr. Carus has read into some of Kant's expressions, meanings which they do not rightly bear. Still, the general drift of the passages quoted makes it tolerably clear that Kant must have believed in the operation of natural causes as largely, though not entirely, instrumental in producing organic forms: extending this belief (which he says "can be named a daring venture of reason") in some measure to the origin of Man himself. He does not, however, extend the theory of natural genesis to the exclusion of the theory of supernatural genesis. When he speaks of an organic habit "which in the wisdom of nature appears to be thus arranged in order that the species shall be preserved;" and when, further, he says "we see, moreover, that a germ of reason is placed in him, whereby, after the development of the same, he is destined for social intercourse," he implies divine intervention. And this shows that I was justified in ascribing to him the belief that Space and Time, as forms of thought, are supernatural endowments. Had he conceived of organic evolution in a consistent manner, he would necessarily have regarded Space and Time as subjective forms generated by converse with objective realities.

Beyond showing that Kant had a partial, if not a complete, belief in organic evolution (though with no idea of its causes), the passages translated by Dr. Carus show that he entertained an implied belief which it here specially concerns me to notice as bearing on his theory of "a good will." He quotes approvingly Dr. Moscati's lecture showing "that the upright walk of man is constrained and unnatural," and showing the imperfect visceral arrangements and consequent diseases which result: not only adopting, but further illustrating, Dr. Moscati's argument. If here, then, there is a distinct admission, or rather assertion, that various human organs are imperfectly adjusted to their functions, what becomes of the postulate above quoted "that no organ for any purpose will be found in it but what is also the fittest and best adapted for that purpose?" And what becomes of the argument which sets out with this postulate? Clearly, I am indebted to Dr. Carus for enabling me to prove that Kant's defence of his theory of "a good will" is, by his own showing, baseless.

which happiness was successfully pursued. How successfully, may be judged from the fact that I would gladly live over again each of those periods without change—an assertion which I certainly cannot make of any portions of my life spent in the daily discharge of duties. That which Kant should have said is that the *exclusive* pursuit of what are distinguished as pleasures and amusements, is disappointing. This is doubtless true; and for the obvious reason that it over-exercises one group of faculties and exhausts them, while it leaves unexercised another group of faculties, which consequently do not yield the gratifications accompanying their exercise. It is not, as Kant says, guidance by "a cultivated reason" which leads to disappointment, but guidance by an uncultivated reason; for a cultivated reason teaches that continuous action of a small part of the nature joined with inaction of the rest, must end in dissatisfaction.

But now, supposing we accept Kant's statement in full, what is its implication? That happiness is the thing to be desired, and, in one way or another, the thing to be achieved. For if not, what meaning is there in the statement that it will not be achieved when made the immediate object? One who was thus admonished might properly rejoin:—"You say I shall fail to get happiness if I make it the object of pursuit? Suppose then I do not make it the object of my pursuit; shall I get it? If I do, then your admonition amounts to this, that I shall obtain it better if I proceed in some other way than that I adopt. If I do not get it, then I remain without happiness if I follow your way, just as much as if I follow my own, and nothing is gained." An illustration will best show how the matter stands. To a tyro in archery the instructor says:—"Sir, you must not point your arrow directly at the target. If you do, you will inevitably miss it. You must aim high above the target; and you may then possibly pierce the bull's eye." What now is implied by the warning and the

advice? Clearly that the purpose is to hit the target. Otherwise there is no sense in the remark that it will be missed if directly aimed at; and no sense in the remark that to be hit, something higher must be aimed at. Similarly with happiness. There is no sense in the remark that happiness will not be found if it is directly sought, unless happiness is a thing to be somehow or other obtained.

"Yes; there is sense," I hear it said. "Just as it may be that the target is not the thing to be hit at all, either by aiming directly or indirectly at it, but that some other thing is to be hit; so it may be that the thing to be achieved immediately or remotely is not happiness at all, but some other thing: the other thing being duty." In answer to this the admonished man may reasonably say:—"What then is meant by Kant's statement that the man who pursues happiness 'fails of true satisfaction'? All happiness is made up of satisfactions. The 'true satisfaction' which Kant offers as an alternative, must be some kind of happiness; and if a truer satisfaction, must be a better happiness; and better must mean on the average, and in the long run, greater. If this 'true satisfaction' does not mean greater happiness of self,—distant if not proximate, in another life if not in this life—and if it does not mean greater happiness by achieving the happiness of others; then you propose to me as an end a smaller happiness instead of a greater, and I decline it."

So that in this professed repudiation of happiness as an end, there lies the inavoidable implication that it *is* the end.

The last consideration introduces us naturally to another of Kant's cardinal doctrines. That there may be no mistake in my representation of it, I must make a long quotation.

"I omit here all actions which are already recognized as inconsistent with duty, although they may be useful for this or that purpose, for with these the question whether they are done *from duty* cannot arise at all, since they even conflict with it. I also set aside those actions which really conform to

duty, but to which men have *no* direct *inclination*, performing them because they are impelled thereto by some other inclination. For in this case we can readily distinguish whether the action which agrees with duty is done *from duty*, or from a selfish view. It is much harder to make this distinction when the action accords with duty, and the subject has besides a *direct* inclination to it. For example, it is always a matter of duty that a dealer should not overcharge an inexperienced purchaser, and wherever there is much commerce the prudent tradesman does not overcharge, but keeps a fixed price for every one, so that a child buys of him as well as any other. Men are thus *honestly* served; but this is not enough to make us believe that the tradesman has so acted from duty and from principles of honesty: his own advantage required it; it is out of the question in this case to suppose that he might besides have a direct inclination in favour of the buyers, so that, as it were, from love he should give no advantage to one over another [!]. Accordingly the action was done neither from duty nor from direct inclination, but merely with a selfish view. On the other hand, it is a duty to maintain one's life; and, in addition, every one has also a direct inclination to do so. But on this account the often anxious care which most men take for it has no intrinsic worth, and their maxim has no moral import. They preserve their life *as duty requires*, no doubt, but not *because duty requires*. On the other hand, if adversity and hopeless sorrow have completely taken away the relish for life; if the unfortunate one, strong in mind, indignant at his fate rather than desponding or dejected, wishes for death, and yet preserves his life without loving it—not from inclination or fear, but from duty—then his maxim has a moral worth.

"To be beneficent when we can is a duty; and besides this, there are many minds so sympathetically constituted that without any other motive of vanity or self-interest, they find a pleasure in spreading joy around them, and can take delight in the satisfaction of others so far as it is their own work. But I maintain that in such a case an action of this kind, however proper, however amiable it may be, has nevertheless no true moral worth, but is on a level with other inclinations" (pp. 17-19).

I have given this extract at length that there may be fully understood the remarkable doctrine it embodies—a doctrine especially remarkable as exemplified in the last sentence. Let us now consider all that it means.

Before doing this, however, I may remark that, space permitting, it might be shown clearly enough that the assumed distinction between sense of duty and inclination is untenable. The very expression *sense* of duty implies that the mental state signified is a feeling; and if a feeling it must, like other feelings, be gratified by acts of one kind and offended by acts of an opposite kind. If we take the

name conscience, which is equivalent to sense of duty, we see the same thing. The common expressions "a tender conscience" "a seared conscience," indicate the perception that conscience is a feeling — a feeling which has its satisfactions and dissatisfactions, and which *inclines* a man to acts which yield the one and avoid the other—produces an *inclination*. The truth is that conscience, or the sense of duty, is an inclination of a complex kind as distinguished from inclinations of simpler kinds.

But let us grant Kant's distinction in an unqualified form. Doing this, let us entertain, too, his proposition that acts of whatever kind done from inclination have no moral worth, and that the only acts having moral worth are those done from a sense of duty. To test this proposition let us follow an example he sets. As he would have the quality of an act judged by supposing it universalized, let us judge of moral worth as he conceives it by making a like supposition. That we may do this effectually, let us assume that it is exemplified not only by every man but by all the acts of every man. Unless Kant alleges that a man may be morally worthy in too high a degree, we must admit that the greater the number of his acts which have moral worth the better. Let us then contemplate him as doing nothing from inclination but everything from a sense of duty.

When he pays the labourer who has done a week's work for him, it is not because letting a man go without wages would be against his inclination, but solely because he sees it to be a duty to fulfil contracts. Such care as he takes of his aged mother is prompted not by tender feeling for her but by the consciousness of filial obligation. When he gives evidence on behalf of a man whom he knows to have been falsely charged, it is not that he would be hurt by seeing the man wrongly punished, but simply in pursuance of a moral intuition showing him that public duty requires him to testify. When he sees a little child in danger of

being run over, and steps aside to snatch it away, he does so not because thought of the impending death of the child pains him, but because he knows it is a duty to save life. And so throughout, in all his relations as husband, as friend, as citizen, he thinks always of what the law of right conduct directs, and does it because it is the law of right conduct, not because he satisfies his affections or his sympathies by doing it. This is not all however. Kant's doctrine commits him to something far beyond this. If those acts only have moral worth which are done from a sense of duty, we must not only say that the moral worth of a man is greater in proportion as the number of the acts so done is greater. We must also say that his moral worth is greater in proportion as his sense of duty makes him do the right thing not only apart from inclination but against inclination. According to Kant, then, the most moral man is the man whose sense of duty is so strong that he refrains from picking a pocket though he is much tempted to do it; who says of another that which is true though he would like to injure him by a falsehood; who lends money to his brother though he would prefer to see him in distress; who fetches the doctor to his sick child though death would remove what he feels to be a burden. What, now, shall we think of a world peopled with Kant's typically moral men—men who, in the one case, while doing right by one another, do it with indifference, and severally know one another to be so doing it; and men who, in the other case, do right by one another notwithstanding the promptings of evil passions to do otherwise, and who severally know themselves surrounded by others similarly prompted? Most people will, I think, say that even in the first case life would be hardly bearable, and that in the second case it would be absolutely intolerable. Had such been men's natures, Schopenhauer would indeed have had good reason for urging that the race should bring itself to an end as quickly as possible.

Contemplate now the doings of one whose acts, according

to Kant, have no moral worth. He goes through his daily work not thinking of duty to wife and child, but having in his mind the pleasure of witnessing their welfare; and on reaching home he delights to see his little girl with rosy cheeks and laughing eyes eating heartily. When he hands back to a shopkeeper the shilling given in excess of right change, he does not stop to ask what the moral law requires: the thought of profiting by the man's mistake is intrinsically repugnant to him. One who is drowning he plunges in to rescue without any idea of obligation, but because he cannot contemplate without horror the death which threatens. If, for a worthy man who is out of employment, he takes much trouble to find a place, he does it because the consciousness of the man's difficulties is painful to him, and because he knows that he will benefit not only him but the employer who engages him: no moral maxim enters his mind. When he goes to see a sick friend the gentle tones of his voice and the kindly expression of his face show that he is come not from any sense of duty, but because pity and a desire to raise his friend's spirits have moved him. If he aids in some public measure which helps men to help themselves, it is not in pursuance of the admonition "Do as you would be done by," but because the distresses around make him unhappy, and the thought of mitigating them gives him pleasure. And so throughout: he ever does the right thing not in obedience to any injunction but because he loves the right thing in and for itself. And now who would not like to live in a world where everyone was thus characterized?

What, then, shall we think of Kant's conception of moral worth, when, if it were displayed universally in men's acts the world would be intolerable, and when if these same acts were universally performed from inclination, the world would be delightful?

But now, from these indirect criticisms, let us pass to a

direct criticism of the Kantian principle—the principle often quoted as distinctive of his ethics. He states it thus :—

"There is therefore but one categorical imperative, namely this : *Act only on that maxim whereby thou canst at the same time will that it should become a universal law.*" (pp. 54—5.)

Again, subsequently, we read :—

"*Act on maxims which can at the same time have for their object themselves as universal laws of nature.* Such then is the formula of an absolutely good will." (p. 80.)

Here, then, we have a clear statement of that which constitutes the character of a good will; which good will, as we have already seen, is said to exist independently of any contemplated end. Let us now observe how this theory is reduced to practice. Speaking of a man who is absolutely selfish and yet absolutely just, he represents him as saying :—

"Let everyone be as happy as heaven pleases or as he can make himself; I will take nothing from him nor even envy him, only I do not wish to contribute anything either to his welfare or to his assistance in distress! Now no doubt if such a mode of thinking were a universal law, the human race might very well subsist, and doubtless even better than in a state in which every one talks of sympathy and good will, or even takes care occasionally to put it into practice, but on the other side, also cheats when he can, betrays the rights of men or otherwise violates them. But although it is possible that a universal law of nature might exist in accordance with that maxim, it is impossible to *will* that such a principle should have the universal validity of a law of nature. For a will which resolved this would contradict itself, inasmuch as many cases might occur in which one would have need of the love and sympathy of others, and in which by such a law of nature, sprung from his own will, he would deprive himself of all hope of the aid he desires." (pp. 58—9.)

Thus we see illustrated the guidance of conduct in conformity with the Kantian maxim; and what is the process of guidance? It is that of considering what, in the particular case, would be the result if the suggested course of conduct were made universal; and then being deterred from willing such conduct by the badness of the conceived result. Now, in the first place, what here becomes of the doctrine of a good will, which we are told exists "without paying

any regard to the effect expected from it"? (p. 24). The good will, characterized by readiness to see the act it prompts made universal, has, in this particular case, as in every other case, to be decided by contemplation of an end—if not a special and immediate end then a general and remote end. And what, in this case, is to be the deterrent from a suggested course of conduct? Consciousness that the result, if such conduct were universal, might be suffering to self: there might be no aid when it was wanted. So that, in the first place, the question is to be decided by the contemplation of happiness or misery as likely to be caused by the one or the other course; and, in the second place, this happiness or misery is that of the individual himself. Strangely enough, this principle which is lauded because of its apparently implied altruism, turns out, in the last resort, to have its justification in egoism!

The essential truth here to be noted, however, is that the Kantian principle, so much vaunted as higher than that of expediency or utilitarianism, is compelled to take expediency or utilitarianism as its basis. Do what it will, it cannot escape the need for conceiving happiness or misery, to self or others or both, as respectively to be achieved or avoided; for in any case what, except the conceived happiness or misery which would follow if a given mode of action were made universal, can determine the will for or against such mode of action? If, in one who has been injured, there arises a temptation to murder the injurer; and if, following out the Kantian injunction, the tempted man thinks of himself as willing that all men who have been injured should murder those who have injured them; and if, imagining the consequences experienced by mankind at large, and possibly on some occasion by himself in particular, he is deterred from yielding to the temptation; what is it which deters him? Obviously the representation of the many evils, pains, deprivations of happiness, which would be caused. If, on imagining his act to be

universalized, he saw that it would increase human happiness, the alleged deterrent would not act. Hence the conduct to be insured by adoption of the Kantian maxim is simply the conduct to be insured by making the happiness of self or others or both the end to be achieved. By implication, if not avowedly, the Kantian principle is as distinctly utilitarian as the principle of Bentham. And it falls short of a scientific ethics in just the same way; since it fails to furnish any method by which to determine whether such and such acts *would* or *would not* be conducive to happiness —leaves all such questions to be decided empirically.

## ABSOLUTE POLITICAL ETHICS.

[*Originally published in* The Nineteenth Century *for January* 1890. *The writing of this essay was consequent on a controversy carried on in* The Times *between Nov.* 7 *and Nov.* 27, 1889, *and was made needful by the misapprehensions and misrepresentations embodied in that controversy. Hence the allusions which the essay contains. The last few paragraphs of it in its original form were mainly personal in their character; and, not wishing to perpetuate personalities, I have omitted them.*]

Life in Fiji, at the time when Thomas Williams settled there, must have been something worse than uncomfortable. One of the people who passed near the string of nine hundred stones with which Ra Undreundre recorded the number of human victims he had devoured, must have had unpleasant waking thoughts and occasionally horrible dreams. A man who had lost some fingers for breaches of ceremony, or had seen his neighbour killed by a chief for behaviour not sufficiently respectful, and who remembered how King Tanoa cut off his cousin's arm, cooked it and ate it in his presence, and then had him hacked to pieces, must not unfrequently have had "a bad quarter of an hour." Nor could creeping sensations have failed to run through women who heard Tui Thakau eulogizing his dead son for cruelty, and saying that "he could kill his own wives if they offended him, and eat them afterwards." Happiness

could not have been general in a society where there was a liability to be one among the ten whose life-blood baptized the decks of a new canoe—a society in which the killing even of unoffending persons was no crime but a glory; and in which everyone knew that his neighbour's restless ambition was to be an acknowledged murderer. Still, there must have been some moderation in murdering even in Fiji. Or must we hesitate to conclude that unlimited murder would have caused extinction of the society?

The extent to which each man's possessions among the Biluchis are endangered by the predatory instincts of his neighbours, may be judged from the fact that "a small mud tower is erected in each field, where the possessor and his retainers guard his produce." If turbulent states of society such as early histories tell of, do not show us so vividly how the habit of appropriating one another's goods interferes with social prosperity and individual comfort, yet they do not leave us in doubt respecting these results. It is an inference which few will be hardy enough to dispute, that in proportion as the time of each man, instead of being occupied in further production, is occupied in guarding that which he has produced against marauders, the total production must be diminished and the sustentation of each and all less satisfactorily achieved. And it is a manifest corollary that if each pushes beyond a certain limit the practice of trying to satisfy his needs by robbing his neighbour, the society must dissolve: solitary life will prove preferable.

A deceased friend of mine, narrating incidents in his life, told me that as a young man he sought to establish himself in Spain as a commission agent; and that, failing by expostulation or other means to obtain payment from one who had ordered goods through him, he, as a last resource, went to the man's house and presented himself before him pistol in hand—a proceeding which had the desired effect: the account was settled. Suppose now that everywhere

contracts had thus to be enforced by more or less strenuous measures. Suppose that a coal-mine proprietor in Derbyshire, having sent a train-load to a London coal-merchant, had commonly to send a *posse* of colliers up to town, to stop the man's wagons and take out the horses until payment had been made. Suppose the farm-labourer or the artisan was constantly in doubt whether, at the end of the week, the wages agreed upon would be forthcoming; or whether he would get only half, or whether he would have to wait six months. Suppose that daily in every shop there occurred scuffles between shopman and customer, the one to get the money without giving the goods, and the other to get the goods without paying the money. What in such case would happen to the society? What would become of its producing and distributing businesses? Is it a rash inference that industrial co-operation (of the voluntary kind at least) would cease?

"Why these absurd questions?" asks the impatient reader. "Surely everyone knows that murder, assault, robbery, fraud, breach of contract, &c., are at variance with social welfare and must be punished when committed." My replies are several. In the first place, I am quite content to have the questions called absurd; because this implies a consciousness that the answers are so self-evident that it is absurd to assume the possibility of any other answers. My second reply is that I am not desirous of pressing the question *whether* we know these things, but of pressing the question *how* we know these things. Can we know them, and do we know them, by contemplating the necessities of the case? or must we have recourse to "inductions based on careful observation and experience"? Before we make and enforce laws against murder, ought we to inquire into the social welfare and individual happiness in places where murder prevails, and observe whether or not the welfare and happiness are greater in places where murder is rare? Shall robbery be allowed to go on until,

by collecting and tabulating the effects in countries where thieves predominate and in countries where thieves are but few, we are shown by induction that prosperity is greater when each man is allowed to retain that which he has earned? And is it needful to prove by accumulated evidence that breaches of contract impede production and exchange, and those benefits to each and all which mutual dependence achieves? In the third place, these instances of actions which, pushed to extremes, cause social dissolution, and which, in smaller degrees, hinder social co-operation and its benefits, I give for the purpose of asking what is their common trait. In each of such actions we see aggression—a carrying on of life in a way which directly interferes with the carrying on of another's life. The relation between effort and consequent benefit in one man, is either destroyed altogether or partially broken by the doings of another man. If it be admitted that life can be maintained only by certain activities (the internal ones being universal, and the external ones being universal for all but parasites and the immature), it must be admitted that when like-natured beings are associated, the required activities must be mutually limited; and that the highest life can result only when the associated beings are so constituted as severally to keep within the implied limits. The restrictions stated thus generally, may obviously be developed into special restrictions referring to this or that kind of conduct. These, then, I hold are *a priori* truths which admit of being known by contemplation of the conditions—axiomatic truths which bear to ethics a relation analogous to that which the mathematical axioms bear to the exact sciences.

I do not mean that these axiomatic truths are cognisable by all. For the apprehension of them, as for the apprehension of simpler axioms, a certain mental growth and a certain mental discipline are needed. In the *Treatise on Natural Philosophy* by Professors Thomson and Tait [1st

ed.], it is remarked that "physical axioms are axiomatic to those only who have sufficient knowledge of the action of physical causes to enable them to see at once their necessary truth." Doubtless a fact and a significant fact. A plough-boy cannot form a conception of the axiom that action and reaction are equal and opposite. In the first place he lacks a sufficiently generalized idea of action—has not united into one conception pushing and pulling, the blow of a fist, the recoil of a gun, and the attraction of a planet. Still less has he any generalized idea of reaction. And even had he these two ideas, it is probable that, defective in power of representation as he is, he would fail to recognize the necessary equality. Similarly with these *a priori* ethical truths. If a member of that Fijian slave-tribe who regarded themselves as food for the chiefs had suggested that there might arrive a time when men would not eat one another, his implied belief that men might come to have a little respect for one another's lives, condemned as utterly without justification in experience, would be considered as fit only for a wild speculator. Facts furnished by every-day observation make it clear to the Biluchi, keeping watch in his mud-tower, that possession of property can be maintained only by force; and it is most likely to him scarcely conceivable that there exist limits which, if mutually recognized, may exclude aggressions, and make it needless to mount guard over fields: only an absurd idealist (supposing such a thing known to him) would suggest the possibility. And so even of our own ancestors in feudal times, it may be concluded that, constantly going about armed and often taking refuge in strongholds, the thought of a peaceful social state would have seemed ridiculous; and the belief that there might be a recognized equality among men's claims to pursue the objects of life, and a consequent desistence from aggressions, would have been scarcely conceivable. But now that an orderly social state has been maintained for generations—now that in daily

intercourse men rarely use violence, commonly pay what they owe, and in most cases respect the claims of the weak as well as those of the strong—now that they are brought up with the idea that all men are equal before the law, and daily see judicial decisions turning upon the question whether one citizen has or has not infringed upon the equal rights of another; there exist in the general mind materials for forming the conception of a *régime* in which men's activities are mutually limited, and in which maintenance of harmony depends on respect for the limits. There has arisen an ability to see that mutual limitations are required when lives are carried on in proximity; and to see that there necessarily emerge definite sets of restraints applying to definite classes of actions. And it has become manifest to some, though not it seems to many, that there results an *a priori* system of absolute political ethics—a system under which men of like natures, severally so constituted as spontaneously to refrain from trespassing, may work together without friction, and with the greatest advantage to each and all.

"But men are not wholly like-natured and are unlikely to become so. Nor are they so constituted that each is solicitous for his neighbour's claims as for his own, and there is small probability that they ever will be. Your absolute political ethics is therefore an ideal beyond the reach of the real." This is true. Nevertheless, much as it seems to do so, it does not follow that there is no use for absolute political ethics. The contrary may clearly enough be shown. An analogy will explain the paradox.

There exists a division of physical science distinguished as abstract mechanics or absolute mechanics—absolute in the sense that its propositions are unqualified. It is concerned with statics and dynamics in their pure forms—deals with forces and motions considered as free from all interferences resulting from friction, resistances of media, and special properties of matter. If it enunciates a law of motion, it

recognizes nothing which modifies manifestation of it. If it formulates the properties of the lever it treats of this assuming it to be perfectly rigid and without thickness—an impossible lever. Its theory of the screw imagines the screw to be frictionless; and in treating of the wedge, absolute incompressibility is supposed. Thus its truths are never presented in experience. Even those movements of the heavenly bodies which are deducible from its propositions are always more or less perturbed; and on the Earth the inferences to be drawn from them deviate very considerably from the results reached by experiment. Nevertheless this system of ideal mechanics is indispensable for the guidance of real mechanics. The engineer has to deal with its propositions as true in full, before he proceeds to qualify them by taking into account the natures of the materials he uses. The course which a projectile would take if subject only to the propulsive force and the attraction of the Earth must be recognized, though no such course is ever pursued: correction for atmospheric resistance cannot else be made. That is to say, though, by empirical methods, applied or relative mechanics may be developed to a considerable extent, it cannot be highly developed without the aid of absolute mechanics. So is it here. Relative political ethics, or that which deals with right and wrong in public affairs as partially determined by changing circumstances, cannot progress without taking into account right and wrong considered apart from changing circumstances—cannot do without absolute political ethics; the propositions of which, deduced from the conditions under which life is carried on in an associated state, take no account of the special circumstances of any particular associated state.

And now observe a truth which seems entirely overlooked; namely, that the set of deductions thus arrived at is verified by an immeasurably vast induction, or rather by a great assemblage of vast inductions. For what else are the laws and judicial systems of all civilized nations, and of

all societies which have risen above savagery? What is the meaning of the fact that all peoples have discovered the need for punishing murder, usually by death? How is it that where any considerable progress has been made, theft is forbidden by law, and a penalty attached to it? Why along with further advance does the enforcing of contracts become general? And what is the reason that among fully civilized peoples frauds, libels, and minor aggressions of various kinds are repressed in more or less rigorous ways? No cause can be assigned save a general uniformity in men's experiences, showing them that aggressions directly injurious to the individuals aggressed upon are indirectly injurious to society. Generation after generation observations have forced this truth on them; and generation after generation they have been developing the interdicts into greater detail. That is to say, the above fundamental principle and its corollaries arrived at *a priori* are verified in an infinity of cases *a posteriori*. Everywhere the tendency has been to carry further in practice the dictates of theory—to conform systems of law to the requirements of absolute political ethics: if not consciously, still unconsciously. Nay, indeed, is not this truth manifest in the very name used for the end aimed at—equity or equalness? Equalness of what? No answer can be given without a recognition—vague it may be, but still a recognition—of the doctrine above set forth.

Thus, instead of being described as putting faith in "long chains of deduction from abstract ethical assumptions" I ought to be described as putting faith in simple deductions from abstract ethical necessities; which deductions are verified by infinitely numerous observations and experiences of semi-civilized and civilized mankind in all ages and places. Or rather I ought to be described as one who, contemplating the restraints everywhere put on the various kinds of transgressions, and seeing in them all a common principle everywhere dictated by the necessities

of the associated state, proceeds to develop the consequences of this common principle by deduction, and to justify both the deductions and the conclusions which legislators have empirically reached by showing that the two correspond. This method of deduction verified by induction is the method of developed science at large. I do not believe that I shall be led to abandon it and change my "way of thinking" by any amount of disapproval, however strongly expressed.

Are we then to understand that by this imposing title, "Absolute Political Ethics," nothing more is meant than a theory of the needful restraints which law imposes on the actions of citizens—an ethical warrant for systems of law? Well, supposing even that I had to answer "Yes" to this question (which I do not), there would still be an ample justification for the title Having for its subject-matter all that is comprehended under the word "Justice," alike as formulated in law and administered by legal instrumentalities, the title has a sufficiently large area to cover. This would scarcely need saying were it not for a curious defect of thought which we are everywhere led into by habit.

Just as, when talking of knowledge, we ignore entirely that familiar knowledge of surrounding things, animate and inanimate, acquired in childhood, in the absence of which death would quickly result, and think only of that far less essential knowledge gained at school and college or from books and conversation—just as, when thinking of mathematics, we include under the name only its higher groups of truths and drop out that simpler group constituting arithmetic, though for the carrying on of life this is more important than all the rest put together; so, when politics and political ethics are discussed, there is no thought of those parts of them which include whatever is fundamental and long settled. The word political raises ideas of party-contests, ministerial changes, prospective elections, or else of the Home-Rule question, the

Land-Purchase scheme, Local Option, or the Eight-Hours movement. Rarely does the word suggest law-reform, or a better judicial organization, or a purified police. And if ethics comes into consideration, it is in connexion with the morals of parliamentary strife or of candidates' professions, or of electoral corruptions. Yet it needs but to look at the definition of politics ("that part of ethics which consists in the regulation and government of a nation or state, for the preservation of its safety, peace, and prosperity"), to see that the current conception fails by omitting the chief part. It needs but to consider how relatively immense a factor in the life of each man is constituted by safety of person, security of house and property, and enforcement of claims, to see that not only the largest part but the part which is vital is left out. Hence the absurdity does not exist in the conception of an absolute political ethics, but it exists in the ignoring of its subject-matter. Unless it be considered absurd to regard as absolute the interdicts against murder, burglary, fraud and all other aggressions, it cannot be considered absurd to regard as absolute the ethical system which embodies these interdicts.

It remains to add that beyond the deductions which, as we have seen, are verified by vast assemblages of inductions, there may be drawn other deductions not thus verified—deductions drawn from the same data, but which have no relevant experiences to say yes or no to them. Such deductions may be valid or invalid; and I believe that in my first work, written forty years ago and long since withdrawn from circulation, there are some invalid deductions. But to reject a principle and a method because of some invalid deductions, is about as proper as it would be to pooh-pooh arithmetic because of blunders in certain arithmetical calculations.

I turn now to a question above put—whether, by absolute political ethics, nothing more is meant than an ethical

warrant for systems of law—a question to which, by implication, I answered No. And now I have to answer that it extends over a further field equally wide if less important. For beyond the relations among citizens taken individually, there are the relations between the incorporated body of citizens and each citizen. And on these relations between the State and the man, absolute political ethics gives judgments as well as on the relations between man and man. Its judgments on the relations between man and man are corollaries from its primary truth, that the activities of each in pursuing the objects of life may be rightly restricted only by the like activities of others: such others being like-natured (for the principle does not contemplate slave-societies or societies in which one race dominates over another); and its judgments on the relations between the man and the State are corollaries from the allied truth, that the activities of each citizen may be rightly limited by the incorporated body of citizens only as far as is needful for securing to him the remainder. This further limitation is a necessary accompaniment of the militant state; and must continue so long as, besides the criminalities of individual aggression, there continue the criminalities of international aggression. It is clear that the preservation of the society is an end which must take precedence of the preservation of its individuals taken singly; since the preservation of each individual and the maintenance of his ability to pursue the objects of life, depend on the preservation of the society. Such restrictions upon his actions as are imposed by the necessities of war, and of preparedness for war when it is probable, are therefore ethically defensible.

And here we enter upon the many and involved questions with which relative political ethics has to deal. When originally indicating the contrast, I spoke of "absolute political ethics, or that which ought to be, as distinguished from relative political ethics, or that which is at present the nearest practicable approach to it;" and had any atten-

tion been paid to this distinction, no controversy need have arisen. Here I have to add that the qualifications which relative political ethics sets forth vary with the type of the society, which is primarily determined by the extent to which defence against other societies is needful. Where international enmity is great and the social organization has to be adapted to warlike activities, the coercion of individuals by the State is such as almost to destroy their freedom of action and make them slaves of the State; and where this results from the necessities of defensive war (not offensive war, however), relative political ethics furnishes a warrant. Conversely, as militancy decreases, there is a diminished need both for that subordination of individuals which is necessitated by consolidating them into a fighting machine, and for that further subordination entailed by supplying this fighting machine with the necessaries of life; and as fast as this change goes on, the warrant for State-coercion which relative political ethics furnishes becomes less and less.

Obviously it is out of the question here to enter upon the complex questions raised. It must suffice to indicate them as above. Should I be able to complete Part IV. of *The Principles of Ethics*, treating of "Justice," of which the first chapters only are at present written, I hope to deal adequately with these relations between the ethics of the progressive condition and the ethics of that condition which is the goal of progress—a goal ever to be recognized, though it cannot be actually reached.

## OVER-LEGISLATION.*

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From time to time there returns on the cautious thinker, the conclusion that, considered simply as a question of probabilities, it is unlikely that his views upon any debatable topic are correct. "Here," he reflects, "are thousands around me holding on this or that point opinions differing from mine—wholly in many cases; partially in most others. Each is as confident as I am of the truth of his convictions. Many of them are possessed of great intelligence; and, rank myself high as I may, I must admit that some are my equals—perhaps my superiors. Yet, while every one of us is sure he is right, unquestionably most of us are wrong. Why should not I be among the mistaken? True, I cannot realize the likelihood that I am so. But this proves nothing; for though the majority of us are necessarily in error, we all labour under the inability to think we are in error. Is it not then foolish thus to trust myself? When

* Some of the illustrations used in this essay refer to laws and arrangements changed since it was written; while many recent occurrences might now be cited in further aid of its argument. As, however, the reasoning is not affected by these changes; and as to keep it corrected to the facts of the day would involve perpetual alterations; it seems best to leave it substantially in its original state: or rather in the state in which it was republished in Mr. Chapman's *Library for the People.*

I look back into the past, I find nations, sects, theologians, philosophers, cherishing beliefs in science, morals, politics, and religion, which we decisively reject. Yet they held them with a faith quite as strong as ours: nay—stronger, if their intolerance of dissent is any criterion. Of what little worth, therefore, seems this strength of my conviction that I am right! A like warrant has been felt by men all the world through; and, in nine cases out of ten, has proved a delusive warrant. Is it not then absurd in me to put so much faith in my judgments?"

Barren of practical results as this reflection at first sight appears, it may, and indeed should, influence some of our most important proceedings. Though in daily life we are constantly obliged to act out our inferences, trustless as they may be—though in the house, in the office, in the street, there hourly arise occasions on which we may not hesitate; seeing that if to act is dangerous, never to act at all is fatal — and though, consequently, on our private conduct, this abstract doubt as to the worth of our judgments, must remain inoperative; yet, in our public conduct, we may properly allow it to weigh. Here decision is no longer imperative; while the difficulty of deciding aright is incalculably greater. Clearly as we may think we see how a given measure will work, we may infer, drawing the above induction from human experience, that the chances are many against the truth of our anticipations. Whether in most cases it is not wiser to do nothing, becomes now a rational question. Continuing his self-criticism, the cautious thinker may reason:—"If in these personal affairs, where all the conditions of the case were known to me, I have so often miscalculated, how much oftener shall I miscalculate in political affairs, where the conditions are too numerous, too wide-spread, too complex, too obscure to be understood. Here, doubtless, is a social evil and there a desideratum; and were I sure of doing no mischief I would forthwith try to cure the one and achieve

the other. But when I remember how many of my private schemes have miscarried — how speculations have failed, agents proved dishonest, marriage been a disappointment— how I did but pauperize the relative I sought to help—how my carefully-governed son has turned out worse than most children—how the thing I desperately strove against as a misfortune did me immense good—how while the objects I ardently pursued brought me little happiness when gained, most of my pleasures have come from unexpected sources; when I recall these and hosts of like facts, I am struck with the incompetence of my intellect to prescribe for society. And as the evil is one under which society has not only lived but grown, while the desideratum is one it may spontaneously obtain, as it has most others, in some unforeseen way, I question the propriety of meddling."

There is a great want of this practical humility in our political conduct. Though we have less self-confidence than our ancestors, who did not hesitate to organize in law their judgments on all subjects whatever, we have yet far too much. Though we have ceased to assume the infallibility of our theological beliefs and so ceased to enact them, we have not ceased to enact hosts of other beliefs of an equally doubtful kind. Though we no longer presume to coerce men for their *spiritual good*, we still think ourselves called upon to coerce them for their *material good:* not seeing that the one is as useless and as unwarrantable as the other. Innumerable failures seem, so far, powerless to teach this. Take up a daily paper and you will probably find a leader exposing the corruption, negligence, or mismanagement of some State-department. Cast your eye down the next column, and it is not unlikely that you will read proposals for an extension of State-supervision. Yesterday came a charge of gross carelessness against the Colonial office. To-day Admiralty bunglings are burlesqued. To-morrow brings the question—"Should there

not be more coal-mine inspectors?" Now there is a complaint that the Board of Health is useless; and now an outcry for more railway regulation. While your ears are still ringing with denunciations of Chancery abuses, or your cheeks still glowing with indignation at some well-exposed iniquity of the Ecclesiastical Courts, you suddenly come upon suggestions for organizing "a priesthood of science." Here is a vehement condemnation of the police for stupidly allowing sight-seers to crush each other to death. You look for the corollary that official regulation is not to be trusted; when, instead, *à propos* of a shipwreck, you read an urgent demand for government-inspectors to see that ships always have their boats ready for launching. Thus, while every day chronicles a failure, there every day reappears the belief that it needs but an Act of Parliament and a staff of officers, to effect any end desired. Nowhere is the perennial faith of mankind better seen. Ever since society existed Disappointment has been preaching—"Put not your trust in legislation;" and yet the trust in legislation seems scarcely diminished.

Did the State fulfil efficiently its unquestionable duties, there would be some excuse for this eagerness to assign it further duties. Were there no complaints of its faulty administration of justice; of its endless delays and untold expenses; of its bringing ruin in place of restitution; of its playing the tyrant where it should have been the protector—did we never hear of its complicated stupidities; its 20,000 statutes, which it assumes all Englishmen to know, and which not one Englishman does know; its multiplied forms, which, in the effort to meet every contingency, open far more loopholes than they provide against—had it not shown its folly in the system of making every petty alteration by a new act, variously affecting innumerable preceding acts; or in its score of successive sets of Chancery rules, which so modify, and limit, and extend, and abolish, and alter each other, that not even Chancery lawyers know

St. Albert's College Library



what the rules are—were we never astounded by such a fact as that, under the system of land registration in Ireland, 6000*l.* have been spent in a "negative search" to establish the title of an estate—did we find in its doings no such terrible incongruity as the imprisonment of a hungry vagrant for stealing a turnip, while for the gigantic embezzlements of a railway director it inflicts no punishment; —had we, in short, proved its efficiency as judge and defender, instead of having found it treacherous, cruel, and anxiously to be shunned, there would be some encouragement to hope other benefits at its hands.

Or if, while failing in its judicial functions, the State had proved itself a capable agent in some other department—the military for example—there would have been some show of reason for extending its sphere of action. Suppose that it had rationally equipped its troops, instead of giving them cumbrous and ineffective muskets, barbarous grenadier caps, absurdly heavy knapsacks and cartouche-boxes, and clothing coloured so as admirably to help the enemy's marksmen—suppose that it organized well and economically, instead of salarying an immense superfluity of officers, creating sinecure colonelcies of 4000*l.* a year, neglecting the meritorious and promoting incapables—suppose that its soldiers were always well housed instead of being thrust into barracks that invalid hundreds, as at Aden, or that fall on their occupants, as at Loodianah, where ninety-five were thus killed—suppose that, in actual war, it had shown due administrative ability, instead of occasionally leaving its regiments to march barefoot, to dress in patches, to capture their own engineering tools, and to fight on empty stomachs, as during the Peninsular campaign;—suppose all this, and the wish for more State-control might still have had some warrant.

Even though it had bungled in everything else, yet had it in one case done well—had its naval management alone been efficient—the sanguine would have had a colourable

excuse for expecting success in a new field. Grant that the reports about bad ships, ships that will not sail, ships that have to be lengthened, ships with unfit engines, ships that will not carry their guns, ships without stowage, and ships that have to be broken up, are all untrue—assume those to be mere slanderers who say that the *Megæra* took double the time taken by a commercial steamer to reach the Cape; that during the same voyage the *Hydra* was three times on fire, and needed the pumps kept going day and night; that the *Charlotte* troop-ship set out with 75 days' provisions on board, and was three months in reaching her destination; that the *Harpy*, at an imminent risk of life, got home in 110 days from Rio—disregard as calumnies the statements about septuagenarian admirals, dilettante ship building, and "cooked" dockyard accounts—set down the affair of the Goldner preserved meats as a myth, and consider Professor Barlow mistaken when he reported of the Admiralty compasses in store, that "at least one-half were mere lumber;"—let all these, we say, be held groundless charges, and there would remain for the advocates of much government some basis for their political air-castles, spite of military and judicial mismanagement.

As it is, however, they seem to have read backwards the parable of the talents. Not to the agent of proved efficiency do they consign further duties, but to the negligent and blundering agent. Private enterprise has done much, and done it well. Private enterprise has cleared, drained, and fertilized the country, and built the towns—has excavated mines, laid out roads, dug canals, and embanked railways—has invented, and brought to perfection, ploughs, looms, steam-engines, printing-presses, and machines innumerable—has built our ships, our vast manufactories, our docks—has established banks, insurance societies, and the newspaper press—has covered the sea with lines of steam-vessels, and the land with electric telegraphs. Private enterprise has brought agriculture, manufactures,

and commerce to their present height, and is now developing them with increasing rapidity. Therefore, do not trust private enterprise. On the other hand, the State so fulfils its judicial function as to ruin many, delude others, and frighten away those who most need succour; its national defences are so extravagantly and yet inefficiently administered, as to call forth almost daily complaint, expostulation, or ridicule; and as the nation's steward, it obtains from some of our vast public estates a minus revenue. Therefore, trust the State. Slight the good and faithful servant, and promote the unprofitable one from one talent to ten.

Seriously, the case, while it may not, in some respects, warrant this parallel, is, in one respect, even stronger. For the new work is not of the same order as the old, but of a more difficult order. Ill as government discharges its true duties, any other duties committed to it are likely to be still worse discharged. To guard its subjects against aggression, either individual or national, is a straightforward and tolerably simple matter; to regulate, directly or indirectly, the personal actions of those subjects is an infinitely complicated matter. It is one thing to secure to each man the unhindered power to pursue his own good; it is a widely different thing to pursue the good for him. To do the first efficiently, the State has merely to look on while its citizens act; to forbid unfairness; to adjudicate when called on; and to enforce restitution for injuries. To do the last efficiently, it must become an ubiquitous worker—must know each man's needs better than he knows them himself—must, in short, possess superhuman power and intelligence. Even, therefore, had the State done well in its proper sphere, no sufficient warrant would have existed for extending that sphere; but seeing how ill it has discharged those simple offices which we cannot help consigning to it, small indeed is the probability that it will discharge well offices of a more complicated nature.

Change the point of view however we may, and this con-

clusion still presents itself. If we define the primary State-duty to be that of protecting each individual against others; then, all other State-action comes under the definition of protecting each individual against himself—against his own stupidity, his own idleness, his own improvidence, rashness, or other defect—his own incapacity for doing something or other which should be done. There is no questioning this classification. For manifestly all the obstacles that lie between a man's desires and the satisfaction of them, are either obstacles arising from other men's counter desires, or obstacles arising from inability in himself. Such of these counter desires as are just, have as much claim to satisfaction as his; and may not, therefore, be thwarted. Such of them as are unjust, it is the State's duty to hold in check. The only other possible sphere for it, therefore, is that of saving the individual from the consequences of his nature, or, as we say—protecting him against himself. Making no comment, at present, on the policy of this, and confining ourselves solely to the practicability of it, let us inquire how the proposal looks when reduced to its simplest form. Here are men possessed of instincts, and sentiments, and perceptions, all conspiring to self-preservation. The due action of each brings its quantum of pleasure; the inaction, its more or less of pain. Those provided with these faculties in due proportions, prosper and multiply; those ill-provided, tend to die out. And the general success of this human organization is seen in the fact, that under it the world has been peopled, and by it the complicated appliances and arrangements of civilized life have been developed. It is complained, however, that there are certain directions in which this apparatus of motives works but imperfectly. While it is admitted that men are duly prompted by it to bodily sustenance, to the obtainment of clothing and shelter, to marriage and the care of offspring, and to the establishment of the more important industrial and commercial agencies; it is argued that there are many desiderata, as pure air,

more knowledge, good water, safe travelling, and so forth, which it does not duly achieve. And these short-comings being assumed permanent, it is urged that some supplementary means must be employed. It is therefore proposed that out of the mass of men a certain number, constituting the legislature, shall be instructed to attain these various objects. The legislators thus instructed (all characterized, on the average, by the same defects in this apparatus of motives as men in general), being unable personally to fulfil their tasks, must fulfil them by deputy—must appoint commissions, boards, councils, and staffs of officers; and must construct their agencies of this same defective humanity that acts so ill. Why now should this system of complex deputation succeed where the system of simple deputation does not? The industrial, commercial, and philanthropic agencies, which citizens form spontaneously, are directly deputed agencies; these governmental agencies made by electing legislators who appoint officers, are indirectly deputed ones. And it is hoped that, by this process of double deputation, things may be achieved which the process of single deputation will not achieve. What is the rationale of this hope? Is it that legislators, and their employés, are made to feel more intensely than the rest these evils they are to remedy, these wants they are to satisfy? Hardly; for by position they are mostly relieved from such evils and wants. Is it, then, that they are to have the primary motive replaced by a secondary motive—the fear of public displeasure, and ultimate removal from office? Why scarcely; for the minor benefits which citizens will not organize to secure *directly*, they will not organize to secure *indirectly*, by turning out inefficient servants: especially if they cannot readily get efficient ones. Is it, then, that these State-agents are to do from a sense of duty, what they would not do from any other motive? Evidently this is the only possibility remaining. The proposition on which the

advocates of much government have to fall back, is, that things which the people will not unite to effect for personal benefit, a law-appointed portion of them will unite to effect for the benefit of the rest. Public men and functionaries love their neighbours better than themselves! The philanthropy of statesmen is stronger than the selfishness of citizens!

No wonder, then, that every day adds to the list of legislative miscarriages. If colliery explosions increase, notwithstanding the appointment of coal-mine inspectors, why it is but a natural sequence to these false methods. If Sunderland shipowners complain that, as far as tried, "the Mercantile Marine Act has proved a total failure;" and if, meanwhile, the other class affected by it—the sailors—show their disapprobation by extensive strikes; why it does but exemplify the folly of trusting a theorising benevolence rather than an experienced self-interest. On all sides we may expect such facts; and on all sides we find them. Government, turning engineer, appoints its lieutenant, the Sewers' Commission, to drain London. Presently Lambeth sends deputations to say that it pays heavy rates, and gets no benefit. Tired of waiting, Bethnal-green calls meetings to consider "the most effectual means of extending the drainage of the district." From Wandsworth come complainants, who threaten to pay no more until something is done. Camberwell proposes to raise a subscription and do the work itself. Meanwhile, no progress is made towards the purification of the Thames; the weekly returns show an increasing rate of mortality; in Parliament, the friends of the Commission have nothing save good intentions to urge in mitigation of censure; and, at length, despairing ministers gladly seize an excuse for quietly shelving the Commission and its plans altogether.* As architectural

* So complete is the failure of this and other sanitary bodies, that, at the present moment (March, 1854) a number of philanthropic gentlemen are voluntarily organizing a "Health Fund for London," with the view of meet-

surveyor, the State has scarcely succeeded better than as engineer; witness the Metropolitan Buildings' Act. New houses still tumble down from time to time. A few months since two fell at Bayswater, and one more recently near the Pentonville Prison: all notwithstanding prescribed thicknesses, and hoop-iron bond, and inspectors. It never struck those who provided these delusive sureties, that it was possible to build walls without bonding the two surfaces together, so that the inner layer might be removed after the surveyor's approval. Nor did they foresee that, in dictating a larger *quantity* of bricks than experience proved absolutely needful, they were simply insuring a slow deterioration of *quality* to an equivalent extent.* The government guarantee for safe passenger ships answers no better than its guarantee for safe houses. Though the burning of the *Amazon* arose from either bad construction or bad stowage, she had received the Admiralty certificate before sailing. Notwithstanding official approval, the *Adelaide* was found, on her first voyage, to steer ill, to have useless pumps, ports that let floods of water into the cabins, and coals so near the furnaces that they twice caught fire. The *W. S. Lindsay*, which turned out unfit for sailing, had been passed by the government agent; and, but for the owner, might have gone to sea at a great risk of life. The *Melbourne*—originally a State-built ship—which took twenty-four days to reach Lisbon, and then needed to be docked to undergo a thorough repair, had been duly inspected. And lastly, the notorious *Australian*, before her third futile attempt to proceed on her

ing the threatened invasion of the Cholera; and the plea for this *purely private enterprise*, is, that the Local Boards of Health and Boards of Guardians are inoperative, from "*ignorance*, 1st, *of the extent of the danger*; 2nd, *of the means which experience has discovered for meeting it; and* 3rd, *of the comparative security which those means may produce.*"

* The *Builder* remarks, that "the removal of the brick-duties has not yet produced that improvement in the make of bricks which we ought to find, . . . . . but as bad bricks can be obtained for less than good bricks, so long as houses built of the former will sell as readily as if the better had been used, no improvement is to be expected."

voyage, had, her owners tell us, received "the full approbation of the government inspector." Neither does the like supervision give security to land-travelling. The iron bridge at Chester, which, breaking, precipitated a train into the Dee, had passed under the official eye. Inspection did not prevent a column on the South-Eastern from being so placed as to kill a man who put his head out of the carriage window. The locomotive that burst at Brighton lately, did so notwithstanding a State-approval given but ten days previously. And—to look at the facts in the gross—this system of supervision has not prevented the increase of railway accidents; which, be it remembered, has arisen *since* the system was commenced.

"Well; let the State fail. It can but do its best. If it succeed, so much the better: if it do not, where is the harm? Surely it is wiser to act, and take the chance of success, than to do nothing." To this plea the rejoinder is that, unfortunately, the results of legislative intervention are not only negatively bad, but often positively so. Acts of Parliament do not simply fail; they frequently make worse. The familiar truth that persecution aids rather than hinders proscribed doctrines—a truth lately afresh illustrated by the forbidden work of Gervinus—is a part of the general truth that legislation often does indirectly, the reverse of that which it directly aims to do. Thus has it been with the Metropolitan Buildings' Act. As was lately agreed unanimously by the delegates from all the parishes in London, and as was stated by them to Sir William Molesworth, this act "has encouraged bad building, and has been the means of covering the suburbs of the metropolis with thousands of wretched hovels, which are a disgrace to a civilized country." Thus, also, has it been in provincial towns. The Nottingham Inclosure Act of 1845, by prescribing the structure of the houses to be built, and the extent of yard or garden to be allotted to each, has rendered it impossible to build working-class dwellings at such moderate

rents as to compete with existing ones. It is estimated that, as a consequence, 10,000 of the population are debarred from the new homes they would otherwise have, and are forced to live crowded together in miserable places unfit for human habitation; and so, in its anxiety to insure healthy accommodation for artisans, the law has entailed on them still worse accommodation than before. Thus, too, has it been with the Passengers' Act. The terrible fevers which arose in the Australian emigrant ships a few months since, causing in the *Bourneuf* 83 deaths, in the *Wanota* 39 deaths, in the *Marco Polo* 53 deaths, and in the *Ticonderoga* 104 deaths, arose in vessels sent out by the government; and arose *in consequence* of the close packing which the Passengers' Act authorizes.* Thus, moreover, has it been with the safeguards provided by the Mercantile Marine Act. The examinations devised for insuring the efficiency of captains, have had the effect of certifying the superficially-clever and unpractised men, and, as we are told by a shipowner, rejecting many of the long-tried and most trustworthy: the general result being that *the ratio of shipwrecks has increased.* Thus also has it happened with Boards of Health, which have, in sundry cases, exacerbated the evils to be removed; as, for instance, at Croydon, where, according to the official report, the measures of the sanitary authorities produced an epidemic, which attacked 1600 people and killed 70. Thus again has it been with the Joint Stock Companies Registration Act. As was shown by Mr. James Wilson, in his late motion for a select committee on life-assurance associations, this measure, passed in 1844 to guard the public against bubble schemes, actually facilitated the rascalities of 1845 and subsequent years. The legislative sanction, devised as a guarantee of genuineness, and supposed by the people to be

* Against which close packing, by the way, *a private mercantile body*—the Liverpool Shipowners' Association—unavailingly protested when the Act was before Parliament.

such, clever adventurers have without difficulty obtained for the most worthless projects. Having obtained it, an amount of public confidence has followed which they could never otherwise have gained. In this way literally hundreds of sham enterprises that would not else have seen the light, have been fostered into being; and thousands of families have been ruined who would never have been so but for legislative efforts to make them more secure.

Moreover, when these topical remedies applied by statesmen do not exacerbate the evils they were meant to cure, they constantly induce collateral evils; and these often graver than the original ones. It is the vice of this empirical school of politicians that they never look beyond proximate causes and immediate effects. In common with the uneducated masses they habitually regard each phenomenon as involving but one antecedent and one consequent. They do not bear in mind that each phenomenon is a link in an infinite series—is the result of myriads of preceding phenomena, and will have a share in producing myriads of succeeding ones. Hence they overlook the fact that, in disturbing any natural chain of sequences, they are not only modifying the result next in succession, but all the future results into which this will enter as a part cause. The serial genesis of phenomena, and the interaction of each series upon every other series, produces a complexity utterly beyond human grasp. Even in the simplest cases this is so. A servant who puts coals on the fire sees but few effects from the burning of a lump. The man of science, however, knows that there are very many effects. He knows that the combustion establishes numerous atmospheric currents, and through them moves thousands of cubic feet of air inside the house and out. He knows that the heat diffused causes expansions and subsequent contractions of all bodies within its range. He knows that the persons warmed are affected in their rate of respiration and their waste of tissue; and that these physiological

changes must have various secondary results. He knows that, could he trace to their ramified consequences all the forces disengaged, mechanical, chemical, thermal, electric —could he enumerate all the subsequent effects of the evaporation caused, the gases generated, the light evolved, the heat radiated; a volume would scarcely suffice to enter them. If, now, from a simple inorganic change such numerous and complex results arise, how infinitely multiplied and involved must be the ultimate consequences of any force brought to bear upon society. Wonderfully constructed as it is—mutually dependent as are its members for the satisfaction of their wants—affected as each unit of it is by his fellows, not only as to his safety and prosperity, but in his health, his temper, his culture; the social organism cannot be dealt with in any one part, without all other parts being influenced in ways which cannot be foreseen. You put a duty on paper, and by-and-by find that, through the medium of the jacquard-cards employed, you have inadvertently taxed figured silk, sometimes to the extent of several shillings per piece. On removing the impost from bricks, you discover that its existence had increased the dangers of mining, by preventing shafts from being lined and workings from being tunnelled. By the excise on soap, you have, it turns out, greatly encouraged the use of caustic washing-powders; and so have unintentionally entailed an immense destruction of clothes. In every case you perceive, on careful inquiry, that besides acting upon that which you sought to act upon, you have acted upon many other things, and each of these again on many others; and so have propagated a multitude of changes in all directions. We need feel no surprise, then, that in their efforts to cure specific evils, legislators have continually caused collateral evils they never looked for. No Carlyle's wisest man, nor any body of such, could avoid causing them. Though their production is explicable enough after it has occurred, it is never anticipated.

When, under the New Poor-law, provision was made for the accommodation of vagrants in the Union-houses, it was hardly expected that a body of tramps would be thereby called into existence, who would spend their time in walking from Union to Union throughout the kingdom. It was little thought by those who in past generations assigned parish-pay for the maintenance of illegitimate children, that, as a result, a family of such would by-and-by be considered a small fortune, and the mother of them a desirable wife; nor did the same statesmen see that, by the law of settlement, they were organizing a disastrous inequality of wages in different districts, and entailing a system of clearing away cottages, which would result in the crowding of bedrooms, and in a consequent moral and physical deterioration. The English tonnage law was enacted simply with a view to regulate the mode of measurement. Its framers overlooked the fact that they were practically providing "for the effectual and compulsory construction of bad ships;" and that "to cheat the law, that is, to build a tolerable ship in spite of it, was the highest achievement left to an English builder."* Greater commercial security was alone aimed at by the partnership law. We now find, however, that the unlimited liability it insists upon is a serious hindrance to progress; it practically forbids the association of small capitalists; it is found a great obstacle to the building of improved dwellings for the people; it prevents a better relationship between artisans and employers; and by withholding from the working-classes good investments for their savings, it checks the growth of provident habits and encourages drunkenness. Thus on all sides are well-meant measures producing unforeseen mischiefs—a licensing law that promotes the adulteration of beer; a ticket-of-leave system that encourages men to commit crime; a

* Lecture before the Royal Institution, by J. Scott Russell, Esq., "On Wave-line Ships and Yachts," Feb. 6, 1852.

police regulation that forces street-huxters into the workhouse. And then, in addition to the obvious and proximate evils, come the remote and less distinguishable ones, which, could we estimate their accumulated result, we should probably find even more serious.

But the thing to be discussed is, not so much whether, by any amount of intelligence, it is *possible* for a government to work out the various ends consigned to it, as whether its fulfilment of them is *probable*. It is less a question of *can* than a question of *will*. Granting the absolute competence of the State, let us consider what hope there is of getting from it satisfactory performance. Let us look at the moving force by which the legislative machine is worked, and then inquire whether this force is thus employed as economically as it would otherwise be.

Manifestly, as desire of some kind is the invariable stimulus to action in the individual, every social agency, of what nature soever, must have some aggregate of desires for its motive power. Men in their collective capacity can exhibit no result but what has its origin in some appetite, feeling, or taste common among them. Did not they like meat, there could be no cattle-graziers, no Smithfield, no distributing organization of butchers. Operas, Philharmonic Societies, song-books, and street organ-boys, have all been called into being by our love of music. Look through the trades' directory; take up a guide to the London sights; read the index of Bradshaw's time-tables, the reports of the learned societies, or the advertisements of new books; and you see in the publication itself, and in the things it describes, so many products of human activities, stimulated by human desires. Under this stimulus grow up agencies alike the most gigantic and the most insignificant, the most complicated and the most simple—agencies for national defence and for the sweeping of crossings; for the daily distribution of letters, and for the collection of bits of coal out

of the Thames mud—agencies that subserve all ends, from the preaching of Christianity to the protection of ill-treated animals; from the production of bread for a nation to the supply of groundsel for caged singing-birds. The accumulated desires of individuals being, then, the moving power by which every social agency is worked, the question to be considered is—Which is the most economical kind of agency? The agency having no power in itself, but being merely an instrument, our inquiry must be for the most efficient instrument—the instrument that costs least, and wastes the smallest amount of the moving power—the instrument least liable to get out of order, and most readily put right again when it goes wrong. Of the two kinds of social mechanism exemplified above, the spontaneous and the governmental, which is the best?

From the form of this question will be readily foreseen the intended answer—that is the best mechanism which contains the fewest parts. The common saying—"What you wish well done you must do yourself," embodies a truth equally applicable to political life as to private life. The experience that farming by bailiff entails loss, while tenant-farming pays, is an experience still better illustrated in national history than in a landlord's account books. This transference of power from constituencies to members of parliament, from these to the executive, from the executive to a board, from the board to inspectors, and from inspectors through their subs down to the actual workers—this operating through a series of levers, each of which absorbs in friction and inertia part of the moving force; is as bad, in virtue of its complexity, as the direct employment by society of individuals, private companies, and spontaneously-formed institutions, is good in virtue of its simplicity. Fully to appreciate the contrast, we must compare in detail the working of the two systems.

Officialism is habitually slow. When non-governmental agencies are dilatory, the public has its remedy: it ceases

to employ them and soon finds quicker ones. Under this discipline all private bodies are taught promptness. But for delays in State-departments there is no such easy cure. Life-long Chancery suits must be patiently borne; Museum-catalogues must be wearily waited for. While, by the people themselves, a Crystal Palace is designed, erected, and filled, in the course of a few months, the legislature takes twenty years to build itself a new house. While, by private persons, the debates are daily printed and dispersed over the kingdom within a few hours of their utterance, the Board of Trade tables are regularly published a month, and sometimes more, after date. And so throughout. Here is a Board of Health which, since 1849, has been about to close the metropolitan graveyards, but has not done it yet; and which has so long dawdled over projects for cemeteries, that the London Necropolis Company has taken the matter out of its hands. Here is a patentee who has had fourteen years' correspondence with the Horse Guards, before getting a definite answer respecting the use of his improved boot for the Army. Here is a Plymouth port-admiral who delays sending out to look for the missing boats of the Amazon until ten days after the wreck.

Again, officialism is stupid. Under the natural course of things each citizen tends towards his fittest function. Those who are competent to the kind of work they undertake, succeed, and, in the average of cases, are advanced in proportion to their efficiency; while the incompetent, society soon finds out, ceases to employ, forces to try something easier, and eventually turns to use. But it is quite otherwise in State-organizations. Here, as every one knows, birth, age, back-stairs intrigue, and sycophancy, determine the selections rather than merit. The "fool of the family" readily finds a place in the Church, if "the family" have good connexions. A youth too ill-educated for any profession, does very well for an officer in the Army. Grey

hair, or a title, is a far better guarantee of naval promotion than genius is. Nay, indeed, the man of capacity often finds that, in government offices, superiority is a hindrance —that his chiefs hate to be pestered with his proposed improvements, and are offended by his implied criticisms. Not only, therefore, is legislative machinery complex, but it is made of inferior materials. Hence the blunders we daily read of—the supplying to the dockyards from the royal forests of timber unfit for use; the administration of relief during the Irish famine in such a manner as to draw labourers from the field, and diminish the subsequent harvest by one-fourth*; the filing of patents at three different offices and keeping an index at none. Everywhere does this bungling show itself, from the elaborate failure of House of Commons ventilation down to the publication of *The London Gazette*, which invariably comes out wrongly folded.

A further characteristic of officialism is its extravagance. In its chief departments, Army, Navy, and Church, it employs far more officers than are needful, and pays some of the useless ones exorbitantly. The work done by the Sewers Commission has cost, as Sir B. Hall tells us, from 300 to 400 per cent. over the contemplated outlay; while the management charges have reached 35, 40, and 45 per cent. on the expenditure. The trustees of Ramsgate Harbour—a harbour, by the way, that has taken a century to complete—are spending 18,000*l.* a year in doing what 5000*l.* has been proved sufficient for. The Board of Health is causing new surveys to be made of all the towns under its control—a proceeding which, as Mr. Stephenson states, and as every tyro in engineering knows, is, for drainage purposes, a wholly needless expense. These public agencies are subject to no such influence as that which obliges private enterprise to be economical. Traders and mercantile bodies succeed by serving society cheaply. Such of them

* See Evidence of Major Larcom.

as cannot do this are continually supplanted by those who can. They cannot saddle the nation with the results of their extravagance, and so are prevented from being extravagant. On works that are to return a profit it does not answer to spend 48 per cent. of the capital in superintendence, as in the engineering department of the Indian Government; and Indian railway companies, knowing this, manage to keep their superintendence charges within 8 per cent. A shopkeeper leaves out of his accounts no item analogous to that 6,000,000*l.* of its revenues, which Parliament allows to be deducted on the way to the Exchequer. Walk through a manufactory, and you see that the stern alternatives, carefulness or ruin, dictate the saving of every penny; visit one of the national dockyards, and the comments you make on any glaring wastefulness are carelessly met by the slang phrase—"Nunky pays."

The unadaptiveness of officialism is another of its vices. Unlike private enterprise which quickly modifies its actions to meet emergencies—unlike the shopkeeper who promptly finds the wherewith to satisfy a sudden demand—unlike the railway company which doubles its trains to carry a special influx of passengers; the law-made instrumentality lumbers on under all varieties of circumstances through its ordained routine at its habitual rate. By its very nature it is fitted only for average requirements, and inevitably fails under unusual requirements. You cannot step into the street without having the contrast thrust upon you. Is it summer? You see the water-carts going their prescribed rounds with scarcely any regard to the needs of the weather —to-day sprinkling afresh the already moist roads; to-morrow bestowing their showers with no greater liberality upon roads cloudy with dust. Is it winter? You see the scavengers do not vary in number and activity according to the quantity of mud; and if there comes a heavy fall of snow, you find the thoroughfares remaining for nearly a week in a scarcely passable state, without an effort being

made, even in the heart of London, to meet the exigency. The late snow-storm, indeed, supplied a neat antithesis between the two orders of agencies in the effects it respectively produced on omnibuses and cabs. Not being under a law-fixed tariff, the omnibuses put on extra horses and raised their fares. The cabs on the contrary, being limited in their charges by an Act of Parliament which, with the usual shortsightedness, never contemplated such a contingency as this, declined to ply, deserted the stands and the stations, left luckless travellers to stumble home with their luggage as best they might, and so became useless at the very time of all others when they were most wanted! Not only by its unsusceptibility of adjustment does officialism entail serious inconveniences, but it likewise entails great injustices. In this case of cabs for example, it has resulted since the late change of law, that old cabs, which were before saleable at 10*l.* and 12*l.* each, are now unsaleable and have to be broken up; and thus legislation has robbed cab-proprietors of part of their capital. Again, the recently-passed Smoke-Bill for London, which applies only within certain prescribed limits, has the effect of taxing one manufacturer while leaving untaxed his competitor working within a quarter of a mile; and so, as we are credibly informed, gives one an advantage of 1500*l.* a year over another. These typify the infinity of wrongs, varying in degrees of hardship, which legal regulations necessarily involve. Society, a living growing organism, placed within apparatuses of dead, rigid, mechanical formulas, cannot fail to be hampered and pinched. The only agencies which can efficiently serve it, are those through which its pulsations hourly flow, and which change as it changes.

How invariably officialism becomes corrupt every one knows. Exposed to no such antiseptic as free competition —not dependent for existence, as private unendowed organizations are, on the maintenance of a vigorous

vitality; all law-made agencies fall into an inert, over-fed state, from which to disease is a short step. Salaries flow in irrespective of the activity with which duty is performed; continue after duty wholly ceases; become rich prizes for the idle well born; and prompt to perjury, to bribery, to simony. East India directors are elected not for any administrative capacity they have; but they buy votes by promised patronage—a patronage alike asked and given in utter disregard of the welfare of a hundred millions of people. Registrars of wills not only get many thousands a year each for doing work which their miserably paid deputies leave half done; but they, in some cases, defraud the revenue, and that after repeated reprimands. Dockyard promotion is the result not of efficient services, but of political favouritism. That they may continue to hold rich livings, clergymen preach what they do not believe; bishops make false returns of their revenues; and at their elections to fellowships, well-to-do priests severally make oath that they are *pauper, pius et doctus*. From the local inspector whose eyes are shut to an abuse by a contractor's present, up to the prime minister who finds lucrative berths for his relations, this venality is daily illustrated; and that in spite of public reprobation and perpetual attempts to prevent it. As we once heard said by a State-official of twenty-five years' standing—"Wherever there is government there is villainy." It is the inevitable result of destroying the direct connexion between the profit obtained and the work performed. No incompetent person hopes, by offering a *douceur* in the *Times* to get a permanent place in a mercantile office. But where, as under government, there is no employer's self-interest to forbid—where the appointment is made by some one on whom inefficiency entails no loss; there a *douceur* is operative. In hospitals, in public charities, in endowed schools, in all social agencies in which duty done and income gained do not go hand in hand, the like corruption is found; and is great in propor-

tion as the dependence of income upon duty is remote. In State-organizations, therefore, corruption is unavoidable. In trading-organizations it rarely makes its appearance; and when it does, the instinct of self-preservation soon provides a remedy.

To all which broad contrasts add this, that while private bodies are enterprising and progressive, public bodies are unchanging, and, indeed, obstructive. That officialism should be inventive nobody expects. That it should go out of its easy mechanical routine to introduce improvements, and this at a considerable expense of thought and application, without the prospect of profit, is not to be supposed. But it is not simply stationary; it resists every amendment either in itself or in anything with which it deals. Until now that County Courts are taking away their practice, all agents of the law have doggedly opposed law-reform. The universities have maintained an old *curriculum* for centuries after it ceased to be fit; and are now struggling to prevent a threatened reconstruction. Every postal improvement has been vehemently protested against by the postal authorities. Mr. Whiston can say how pertinacious is the conservatism of Church grammar-schools. Not even the gravest consequences in view preclude official resistance: witness the fact that though, as already mentioned, Professor Barlow reported in 1820, of the Admiralty compasses then in store, that "at least one-half were mere lumber," yet notwithstanding the constant risk of shipwrecks thence arising, "very little amelioration in this state of things appears to have taken place until 1838 to 1840."* Nor is official obstructiveness to be readily overborne even by a powerful public opinion: witness the fact that though, for generations, nine-tenths of the nation have disapproved this ecclesiastical system which pampers the drones and starves the workers, and though commissions have been appointed to rectify it, it still remains substantially as it

* "Rudimentary Magnetism," by Sir W. Snow Harris. Part III. p. 145.

was: witness again the fact that though, since 1818, there have been a score attempts to rectify the scandalous maladministration of Charitable Trusts—though ten times in ten successive years, remedial measures have been brought before Parliament—the abuses still continue in all their grossness. Not only do these legal instrumentalities resist reforms in themselves, but they hinder reforms in other things. In defending their vested interests the clergy delay the closing of town burial-grounds. As Mr. Lindsay can show, government emigration-agents are checking the use of iron for sailing-vessels. Excise officers prevent improvements in the processes they have to overlook. That organic conservatism which is visible in the daily conduct of all men, is an obstacle which in private life self-interest slowly overcomes. The prospect of profit does, in the end, teach farmers that deep draining is good; though it takes long to do this. Manufacturers do, ultimately, learn the most economical speed at which to work their steam-engines; though precedent has long misled them. But in the public service, where there is no self-interest to overcome it, this conservatism exerts its full force; and produces results alike disastrous and absurd. For generations after book-keeping had become universal, the Exchequer accounts were kept by notches cut on sticks. In the estimates for the current year appears the item, "Trimming the oil-lamps at the Horse-Guards."

Between these law-made agencies and the spontaneously formed ones, who then can hesitate? The one class are slow, stupid, extravagant, unadaptive, corrupt, and obstructive: can any point out in the other, vices that balance these? It is true that trade has its dishonesties, speculation its follies. These are evils inevitably entailed by the existing imperfections of humanity. It is equally true, however, that these imperfections of humanity are shared by State-functionaries; and that being unchecked in them by the same stern discipline, they grow to far worse results.

Given a race of men having a certain proclivity to misconduct, and the question is, whether a society of these men shall be so organized that ill-conduct directly brings punishment, or whether it shall be so organized that punishment is but remotely contingent on ill-conduct? Which will be the most healthful community—that in which agents who perform their functions badly, immediately suffer by the withdrawal of public patronage; or that in which such agents can be made to suffer only through an apparatus of meetings, petitions, polling booths, parliamentary divisions, cabinet-councils, and red-tape documents? Is it not an absurdly utopian hope that men will behave better when correction is far removed and uncertain than when it is near at hand and inevitable? Yet this is the hope which most political schemers unconsciously cherish. Listen to their plans, and you find that just what they propose to have done, they assume the appointed agents will do. That functionaries are trustworthy is their first postulate. Doubtless could good officers be ensured, much might be said for officialism; just as despotism would have its advantages could we ensure a good despot.

If, however, we would duly appreciate the contrast between the artificial modes and the natural modes of achieving social desiderata, we must look not only at the vices of the one but at the virtues of the other. These are many and important. Consider first how immediately every private enterprise is dependent on the need for it; and how impossible it is for it to continue if there be no need. Daily are new trades and new companies established. If they subserve some existing public want, they take root and grow. If they do not, they die of inanition. It needs no agitation, no act of Parliament, to put them down. As with all natural organizations, if there is no function for them no nutriment comes to them, and they dwindle away. Moreover, not only do the new agencies disappear if they

are superfluous, but the old ones cease to be when they have done their work. Unlike public instrumentalities—unlike Heralds' Offices, which are maintained for ages after heraldry has lost all value—unlike Ecclesiastial Courts, which continue to flourish for generations after they have become an abomination; these private instrumentalities dissolve when they become needless. A widely ramified coaching-system ceases to exist as soon as a more efficient railway-system comes into being. And not simply does it cease to exist, and to abstract funds, but the materials of which it was made are absorbed and turned to use. Coachmen, guards, and the rest, are employed to profit elsewhere—do not continue for twenty years a burden, like the compensated officials of some abolished department of the State. Consider, again, how necessarily these unordained agencies fit themselves to their work. It is a law of all organized things that efficiency presupposes apprenticeship. Not only is it true that the young merchant must begin by carrying letters to the post, that the way to be a successful innkeeper is to commence as waiter—not only is it true that in the development of the intellect there must come first the perceptions of identity and duality, next of number, and that without these, arithmetic, algebra, and the infinitesimal calculus, remain impracticable; but it is true that there is no part of an organism but begins in some simple form with some insignificant function, and passes to its final stage through successive phases of complexity. Every heart is at first a mere pulsatile sac; every brain begins as a slight enlargement of the spinal chord. This law equally extends to the social organism. An instrumentality that is to work well must not be designed and suddenly put together by legislators, but must grow gradually from a germ; each successive addition must be tried and proved good by experience before another addition is made; and by this tentative process only, can an efficient instrumentality be produced. From a

trustworthy man who receives deposits of money, insensibly grows up a vast banking system, with its notes, checks, bills, its complex transactions, and its Clearing-house. Pack-horses, then waggons, then coaches, then steam-carriages on common roads, and, finally, steam-carriages on roads made for them—such has been the slow genesis of our present means of communication. Not a trade in the directory but has formed itself an apparatus of manufacturers, brokers, travellers, and retailers, in so gradual a way that no one can trace the steps. And so with organizations of another order. The Zoological Gardens began as the private collection of a few naturalists. The best working-class school known—that at Price's factory—commenced with half-a-dozen boys sitting among the candle-boxes, after hours, to teach themselves writing with worn-out pens. Mark, too, that as a consequence of their mode of growth, these spontaneously-formed agencies expand to any extent required. The same stimulus which brought them into being makes them send their ramifications wherever they are needed. But supply does not thus readily follow demand in governmental agencies. Appoint a board and a staff, fix their duties, and let the apparatus have a generation or two to consolidate, and you cannot get it to fulfil larger requirements without some act of parliament obtained only after long delay and difficulty.

Were there space, much more might be said upon the superiority of what naturalists would call the *exogenous* order of institutions over the *endogenous* one. But, from the point of view indicated, the further contrasts between their characteristics will be sufficiently visible.

Hence then the fact, that while the one order of means is ever failing, making worse, or producing more evils than it cures, the other order of means is ever succeeding, ever improving. Strong as it looks at the outset, State-agency perpetually disappoints every one. Puny as are its first

stages, private effort daily achieves results that astound the world. It is not only that joint-stock companies do so much—it is not only that by them a whole kingdom is covered with railways in the same time that it takes the Admiralty to build a hundred-gun ship; but it is that public instrumentalities are outdone even by individuals. The often quoted contrast between the Academy whose forty members took fifty-six years to compile the French Dictionary, while Dr. Johnson alone compiled the English one in eight—a contrast still marked enough after making due set-off for the difference in the works—is by no means without parallel. That great sanitary desideratum—the bringing of the New River to London — which the wealthiest corporation in the world attempted and failed, Sir Hugh Myddleton achieved single-handed. The first canal in England—a work of which government might have been thought the fit projector, and the only competent executor — was undertaken and finished as the private speculation of one man—the Duke of Bridgewater. By his own unaided exertions, William Smith completed that great achievement, the geological map of Great Britain; meanwhile, the Ordnance Survey—a very accurate and elaborate one, it is true—has already occupied a large staff for some two generations, and will not be completed before the lapse of another. Howard and the prisons of Europe; Bianconi and Irish travelling; Waghorn and the Overland route; Dargan and the Dublin Exhibition—do not these suggest startling contrasts? While private gentlemen like Mr. Denison, build model lodging-houses in which the deaths are greatly below the average, the State builds barracks in which the deaths are greatly above the average, even of the much-pitied town populations: barracks which, though filled with picked men under medical supervision, show an annual mortality per thousand of 13·6, 17·9 and even 20·4; though among civilians of the same age in the same places, the mortality

per thousand is but 11·9.* While the State has laid out large sums at Parkhurst in the effort to reform juvenile criminals, who are *not* reformed, Mr. Ellis takes fifteen of the worst young thieves in London—thieves considered by the police irreclaimable—and reforms them all. Side by side with the Emigration Board, under whose management hundreds die of fever from close packing, and under whose licence sail vessels which, like the *Washington*, are the homes of fraud, brutality, tyranny, and obscenity, stands Mrs. Chisholm's Family Colonisation Loan Society, which does not provide worse accommodation than ever before but much better; which does not demoralize by promiscuous crowding but improves by mild discipline; which does not pauperize by charity but encourages providence; which does not increase our taxes, but is self-supporting. Here are lessons for the lovers of legislation. The State outdone by a working shoemaker! The State beaten by a woman!

Stronger still becomes this contrast between the results of public action and private action, when we remember that the one is constantly eked out by the other, even in doing the things unavoidably left to it. Passing over military and naval departments, in which much is done by contractors and not by men receiving government pay,—passing over the Church, which is constantly extended not by law but by voluntary effort—passing over the Universities, where the efficient teaching is given not by the appointed officers but by private tutors; let us look at the mode in which our judicial system is worked. Lawyers perpetually tell us that codification is impossible; and some are simple enough to believe them. Merely remarking, in passing, that what government and all its employés cannot do for the Acts of Parliament in general, was done for the 1500 Customs acts in 1825 by the energy of one man—Mr. Deacon Hume—let us see

* See "Statistical Reports on the Sickness, Mortality, and Invaliding amongst the Troops." 1853.

how the absence of a digested system of law is made good. In preparing themselves for the bar, and finally the bench, law-students, by years of research, have to gain an acquaintance with this vast mass of unorganized legislation; and that organization which it is held impossible for the State to effect, it is held possible (sly sarcasm on the State!) for each student to effect for himself. Every judge can privately codify, though "united wisdom" cannot. But how is each judge enabled to codify? By the private enterprise of men who have prepared the way for him; by the partial codifications of Blackstone, Coke, and others; by the digests of Partnership Law, Bankruptcy Law, Law of Patents, Laws affecting Women, and the rest that daily issue from the press; by abstracts of cases, and volumes of reports—every one of them unofficial products. Sweep away all these fractional codifications made by individuals, and the State would be in utter ignorance of its own laws! Had not the bunglings of legislators been made good by private enterprise, the administration of justice would have been impossible!

Where, then, is the warrant for the constantly-proposed extensions of legislative action? If, as we have seen in a large class of cases, government measures do not remedy the evils they aim at; if, in another large class, they make these evils worse instead of remedying them; and if, in a third large class, while curing some evils they entail others, and often greater ones—if, as we lately saw, public action is continually outdone in efficiency by private action; and if, as just shown, private action is obliged to make up for the shortcomings of public action, even in fulfilling the vital functions of the State; what reason is there for wishing more public administrations? The advocates of such may claim credit for philanthropy, but not for wisdom; unless wisdom is shown by disregarding experience.

"Much of this argument is beside the question," will

rejoin our opponents. "The true point at issue is, not whether individuals and companies outdo the State when they come in competition with it, but whether there are not certain social wants which the State alone can satisfy. Admitting that private enterprise does much, and does it well, it is nevertheless true that we have daily thrust upon our notice many desiderata which it has not achieved, and is not achieving. In these cases its incompetency is obvious; and in these cases, therefore, it behoves the State to make up for its deficiencies: doing this, if not well, yet as well as it can."

Not to fall back upon the many experiences already quoted, showing that the State is likely to do more harm than good in attempting this; nor to dwell upon the fact that, in most of the alleged cases, the apparent insufficiency of private enterprise is a *result* of previous State-interferences, as may be conclusively shown; let us deal with the proposition on its own terms. Though there would have been no need for a Mercantile Marine Act to prevent the unseaworthiness of ships and the ill-treatment of sailors, had there been no Navigation Laws to produce these; and though were all like cases of evils and shortcomings directly or indirectly produced by law, taken out of the category, there would probably remain but small basis for the plea above put; yet let it be granted that, every artificial obstacle having been removed, there would still remain many desiderata unachieved, which there was no seeing how spontaneous effort could achieve. Let all this, we say, be granted; the propriety of legislative action may yet be rightly questioned.

For the said plea involves the unwarrantable assumption that social agencies will continue to work only as they are now working; and will produce no results but those they seem likely to produce. It is the habit of this school of thinkers to make a limited human intelligence the measure of phenomena which it requires omniscience to grasp.

That which it does not see the way to, it does not believe will take place. Though society has, generation after generation, been growing to developments which none foresaw, yet there is no practical belief in unforeseen developments in the future. The parliamentary debates constitute an elaborate balancing of probabilities, having for data things as they are. Meanwhile every day adds new elements to things as they are, and seemingly improbable results constantly occur. Who, a few years ago, expected that a Leicester-square refugee would shortly become Emperor of the French? Who looked for free trade from a landlords' ministry? Who dreamed that Irish over-population would spontaneously cure itself, as it is now doing? So far from social changes arising in likely ways, they usually arise in ways which, to common sense, appear unlikely. A barber's shop was not a probable-looking place for the germination of the cotton manufacture. No one supposed that important agricultural improvements would come from a Leadenhall-street tradesman. A farmer would have been the last man thought of to bring to bear the screw propulsion of steam-ships. The invention of a new species of architecture we should have hoped from any one rather than a gardener. Yet while the most unexpected changes are daily wrought out in the strangest ways, legislation daily assumes that things will go just as human foresight thinks they will go. Though by the trite exclamation—"What would our forefathers have said!" there is a frequent acknowledgment of the fact that wonderful results have been achieved in modes wholly unforeseen, yet there seems no belief that this will be again. Would it not be wise to admit such a probability into our politics? May we not rationally infer that, as in the past so in the future?

This strong faith in State-agencies is, however, accompanied by so weak a faith in natural agencies (the two being antagonistic), that, spite of past experience, it will by

many be thought absurd to rest in the conviction that existing social needs will be spontaneously met, though we cannot say how they will be met. Nevertheless, illustrations exactly to the point are now transpiring before their eyes. Instance the scarcely credible phenomenon lately witnessed in the midland counties. Every one has heard of the distress of the stockingers—a chronic evil of some generation or two's standing. Repeated petitions have prayed Parliament for remedy; and legislation has made attempts, but without success. The disease seemed incurable. Two or three years since, however, the circular knitting machine was introduced—a machine immensely outstripping the old stocking-frame in productiveness, but which can make only the legs of stockings, not the feet. Doubtless, the Leicester and Nottingham artizans regarded this new engine with alarm, as likely to intensify their miseries. On the contrary, it has wholly removed them. By cheapening production it has so enormously increased consumption, that the old stocking-frames, which were before too many by half for the work to be done, are now all employed in putting feet to the legs which the new machines make. How insane would he have been thought who anticipated cure from such a cause! If from the unforeseen removal of evils we turn to the unforeseen achievement of desiderata, we find like cases. No one recognized in Oersted's electro-magnetic discovery the germ of a new agency for the catching of criminals and the facilitation of commerce. No one expected railways to become agents for the diffusion of cheap literature, as they now are. No one supposed when the Society of Arts was planning an international exhibition of manufactures in Hyde Park, that the result would be a place for popular recreation and culture at Sydenham.

But there is yet a deeper reply to the appeals of impatient philanthropists. It is not simply that social vitality may be trusted by-and-by to fulfil each much-exaggerated require-

ment in some quiet spontaneous way—it is not simply that when thus naturally fulfilled it will be fulfilled efficiently, instead of being botched as when attempted artificially; but it is that until thus naturally fulfilled it ought not to be fulfilled at all. A startling paradox, this, to many; but one quite justifiable, as we hope shortly to show.

It was pointed out some distance back, that the force which produces and sets in motion every social mechanism —governmental, mercantile, or other—is some accumulation of personal desires. As there is no individual action without a desire, so, it was urged, there can be no social action without an aggregate of desires. To which there here remains to add, that as it is a general law of the individual that the intenser desires—those corresponding to all-essential functions—are satisfied first, and if need be to the neglect of the weaker and less important ones; so, it must be a general law of society that the chief requisites of social life—those necessary to popular existence and multiplication—will, in the natural order of things, be subserved before those of a less pressing kind. As the private man first ensures himself food; then clothing and shelter; these being secured, takes a wife; and, if he can afford it, presently supplies himself with carpeted rooms, and piano, and wines, hires servants and gives dinner parties; so, in the evolution of society, we see first a combination for defence against enemies, and for the better pursuit of game; by-and-by come such political arrangements as are needed to maintain this combination; afterwards, under a demand for more food, more clothes, more houses, arises division of labour; and when satisfaction of the animal wants has been provided for, there slowly grow up literature, science, and the arts. Is it not obvious that these successive evolutions occur in the order of their importance? Is it not obvious, that, being each of them produced by an aggregate of desires, they *must* occur in the order of their importance, if it be a law of the individual that the

strongest desires correspond to the most needful actions? Is it not, indeed, obvious that the order of relative importance will be more uniformly followed in social action than in individual action; seeing that the personal idiosyncrasies which disturb that order in the latter case are *averaged* in the former? If any one does not see this, let him take up a book describing life at the gold-diggings. There he will find the whole process exhibited in little. He will read that as the diggers must eat, they are compelled to offer such prices for food that it pays better to keep a store than to dig. As the store-keepers must get supplies, they give enormous sums for carriage from the nearest town; and some men, quickly seeing they can get rich at that, make it their business. This brings drays and horses into demand; the high rates draw these from all quarters; and, after them, wheelwrights and harness-makers. Blacksmiths to sharpen pickaxes, doctors to cure fevers, get pay exorbitant in proportion to the need for them; and are so brought flocking in proportionate numbers. Presently commodities become scarce; more must be fetched from abroad; sailors must have increased wages to prevent them from deserting and turning miners; this necessitates higher charges for freight; higher freights quickly bring more ships; and so there rapidly develops an organization for supplying goods from all parts of the world. Every phase of this evolution takes place in the order of its necessity; or as we say—in the order of the intensity of the desires subserved. Each man does that which he finds pays best; that which pays best is that for which other men will give most; that for which they will give most is that which, under the circumstances, they most desire. Hence the succession must be throughout from the more important to the less important. A requirement which at any period remains unfulfilled, must be one for the fulfilment of which men will not pay so much as to make it worth any one's while to fulfil it—must be a *less* requirement than all the

others for the fulfilment of which they will pay more; and must wait until other more needful things are done. Well, is it not clear that the same law holds good in every community? Is it not true of the latter phases of social evolution, as of the earlier, that when things are let alone the smaller desiderata will be postponed to the greater.

Hence, then, the justification of the seeming paradox, that until spontaneously fulfilled a public want should not be fulfilled at all. It must, on the average, result in our complex state, as in simpler ones, that the thing left undone is a thing by doing which citizens cannot gain so much as by doing other things—is therefore a thing which society does not want done so much as it wants these other things done; and the corollary is, that to effect a neglected thing by artificially employing citizens to do it, is to leave undone some more important thing which they would have been doing—is to sacrifice the greater requisite to the smaller.

"But," it will perhaps be objected, "if the things done by a government, or at least by a representative government, are also done in obedience to some aggregate desire, why may we not look for this normal subordination of the more needful to the less needful in them too?" The reply is, that though they have a certain tendency to follow this order—though those primal desires for public defence and personal protection, out of which government originates, were satisfied through its instrumentality in proper succession—though, possibly, some other early and simple requirements may have been so too; yet, when the desires are not few, universal and intense, but, like those remaining to be satisfied in the latter stages of civilization, numerous, partial, and moderate, the judgment of a government is no longer to be trusted. To select out of an immense number of minor wants, physical, intellectual, and moral, felt in different degrees by different classes, and by a total mass varying in every case, the want that is most pressing, is a task which no legislature can accomplish. No man or men

by inspecting society can *see* what it most needs; society must be left to *feel* what it most needs. The mode of solution must be experimental, not theoretical. When left, day after day, to experience evils and dissatisfactions of various kinds, affecting them in various degrees, citizens gradually acquire repugnance to these proportionate to their greatness, and corresponding desires to get rid of them, which by spontaneously fostering remedial agencies are likely to end in the worst inconvenience being first removed. And however irregular this process may be (and we admit that men's habits and prejudices produce many anomalies, or seeming anomalies, in it) it is a process far more trustworthy than are legislative judgments. For those who question this there are instances; and, that the parallel may be the more conclusive, we will take a case in which the ruling power is deemed specially fit to decide. We refer to our means of communication.

Do those who maintain that railways would have been better laid out and constructed by government, hold that the order of importance would have been as uniformly followed as it has been by private enterprise? Under the stimulus of an enormous traffic—a traffic too great for the then existing means—the first line sprung up between Liverpool and Manchester. Next came the Grand Junction and the London and Birmingham (now merged in the London and North Western); afterwards the Great Western, the South Western, the South Eastern, the Eastern Counties, the Midland. Since then subsidiary lines and branches have occupied our capitalists. As they were quite certain to do, companies made first the most needed, and therefore the best paying, lines; under the same impulse that a labourer chooses high wages in preference to low. That government would have adopted a better order can hardly be, for the best has been followed; but that it would have adopted a worse, all the evidence we have goes to show. In default of materials

for a direct parallel, we might cite from India and the colonies, cases of injudicious road-making. Or, as exemplifying State-efforts to facilitate communication, we might dwell on the fact that while our rulers have sacrificed hundreds of lives and spent untold treasure in seeking a North-west passage, which would be useless if found, they have left the exploration of the Isthmus of Panama, and the making railways and canals through it, to private companies. But, not to make much of this indirect evidence, we will content ourselves with the one sample of a State-made channel for commerce, which we have at home—the Caledonian Canal. Up to the present time (1853), this public work has cost upwards of 1,100,000*l.* It has now been open for many years, and salaried emissaries have been constantly employed to get traffic for it. The results, as given in its forty-seventh annual report, issued in 1852, are —receipts during the year, 7,909*l.*; expenditure ditto, 9,261*l.*—loss, 1,352*l.* Has any such large investment been made with such a pitiful result by a private canal company?

And if a government is so bad a judge of the relative importance of social requirements, when these requirements are *of the same kind*, how worthless a judge must it be when they are of different kinds. If, where a fair share of intelligence might be expected to lead them right, legislators and their officers go so wrong, how terribly will they err where no amount of intelligence would suffice them,—where they must decide among hosts of needs, bodily, intellectual, and moral, which admit of no direct comparisons; and how disastrous must be the results if they act out their erroneous decisions. Should any one need this bringing home to him by an illustration, let him read the following extract from the last of the series of letters some time since published in the *Morning Chronicle*, on the state of agriculture in France. After expressing the opinion that French farming is some century behind English farming, the writer goes on to say:—

"There are two causes principally chargeable with this. In the first

place, strange as it may seem in a country in which two-thirds of the population are agriculturists, agriculture is a very unhonoured occupation. Develope in the slightest degree a Frenchman's mental faculties, and he flies to a town as surely as steel filings fly to a loadstone. He has no rural tastes, no delight in rural habits. A French amateur farmer would indeed be a sight to see. Again, this national tendency is directly encouraged by the centralising system of government—by the multitude of officials, and by the payment of all functionaries. From all parts of France, men of great energy and resource struggle up, and fling themselves on the world of Paris. There they try to become great functionaries. Through every department of the eighty-four, men of less energy and resource struggle up to the *chef-lieu*—the provincial capital. There they try to become little functionaries. Go still lower—deal with a still smaller scale—and the result will be the same. As is the department to France, so is the arrondissement to the department, and the commune to the arrondissement. All who have, or think they have, heads on their shoulders, struggle into towns to fight for office. All who are, or are deemed by themselves or others, too stupid for anything else, are left at home to till the fields, and breed the cattle, and prune the vines, as their ancestors did for generations before them. Thus there is actually no intelligence left in the country. The whole energy, and knowledge, and resource of the land are barreled up in the towns. You leave one city, and in many cases you will not meet an educated or cultivated individual until you arrive at another—all between is utter intellectual barrenness."—*Morning Chronicle.* August, 1851.

To what end now is this constant abstraction of able men from rural districts? To the end that there may be enough functionaries to achieve those many desiderata which French governments have thought ought to be achieved—to provide amusements, to manage mines, to construct roads and bridges, to erect numerous buildings—to print books, encourage the fine arts, control this trade, and inspect that manufacture—to do all the hundred-and-one things which the State does in France. That the army of officers needed for this may be maintained, agriculture must go unofficered. That certain social conveniences may be better secured, the chief social necessity is neglected. The very basis of the national life is sapped, to gain a few non-essential advantages. Said we not truly, then, that until a requirement is spontaneously fulfilled, it should not be fulfilled at all?

And here indeed we may recognise the close kinship

between the fundamental fallacy involved in these State-meddlings and the fallacy lately exploded by the free-trade agitation. These various law-made instrumentalities for effecting ends which might otherwise not yet be effected, all embody a subtler form of the protectionist hypothesis. The same short-sightedness which, looking at commerce, prescribed bounties and restrictions, looking at social affairs in general, prescribes these multiplied administrations; and the same criticism applies alike to all its proceedings.

For was not the error that vitiated every law aiming at the artificial maintenance of a trade, substantially that which we have just been dwelling upon; namely, this overlooking of the fact that, in setting people to do one thing, some other thing is inevitably left undone? The statesmen who thought it wise to protect home-made silks against French silks, did so under the impression that the manufacture thus secured constituted a pure gain to the nation. They did not reflect that the men employed in this manufacture would otherwise have been producing something else—a something else which, as they could produce it without legal help, they could more profitably produce. Landlords who have been so anxious to prevent foreign wheat from displacing their own wheat, have never duly realized the fact that if their fields would not yield wheat so economically as to prevent the feared displacement, it simply proved that they were growing unfit crops in place of fit crops; and so working their land at a relative loss. In all cases where, by restrictive duties, a trade has been upheld that would otherwise not have existed, capital has been turned into a channel less productive than some other into which it would naturally have flowed. And so, to pursue certain State-patronized occupations, men have been drawn from more advantageous occupations.

Clearly then, as above alleged, the same oversight runs through all these interferences; be they with commerce, or be they with other things. In employing people to achieve

this or that desideratum, legislators have not perceived that they were thereby preventing the achievement of some other desideratum. They have habitually assumed that each proposed good would, if secured, be a pure good, instead of being a good purchasable only by submission to some evil which would else have been remedied; and, making this error, have injuriously diverted men's labour. As in trade, so in other things, labour will spontaneously find out, better than any government can find out for it, the things on which it may best expend itself. Rightly regarded, the two propositions are identical. This division into commercial and non-commercial affairs is quite a superficial one. All the actions going on in society come under the generalization—human effort ministering to human desire. Whether the ministration be effected through a process of buying and selling, or whether in any other way, matters not so far as the general law of it is concerned. In all cases it must be true that the stronger desires will get themselves satisfied before the weaker ones; and in all cases it must be true that to get satisfaction for the weaker ones before they would naturally have it, is to deny satisfaction to the stronger ones.

To the immense positive evils entailed by over-legislation have to be added the equally great negative evils—evils which, notwithstanding their greatness, are scarcely at all recognized, even by the far-seeing. While the State does those things which it ought not to do, *as an inevitable consequence*, it leaves undone those things which it ought to do. Time and activity being limited, it necessarily follows that legislators' sins of *commission* entail sins of *omission*. Mischievous meddling involves disastrous neglect; and until statesmen are ubiquitous and omnipotent, must ever do so. In the very nature of things an agency employed for two purposes must fulfil both imperfectly; partly because, while fulfilling the one it cannot be fulfilling

the other, and partly because its adaptation to both ends implies incomplete fitness for either. As has been well said *à propos* of this point,—"A blade which is designed both to shave and to carve, will certainly not shave so well as a razor or carve so well as a carving-knife. An academy of painting, which should also be a bank, would in all probability exhibit very bad pictures and discount very bad bills. A gas company, which should also be an infant-school society, would, we apprehend, light the streets ill, and teach the children ill."* And if an institution undertakes, not two functions but a score—if a government, whose office it is to defend citizens against aggressors, foreign and domestic, engages also to disseminate Christianity, to administer charity, to teach children their lessons, to adjust prices of food, to inspect coal-mines, to regulate railways, to superintend house-building, to arrange cab-fares, to look into people's stink-traps, to vaccinate their children, to send out emigrants, to prescribe hours of labour, to examine lodging-houses, to test the knowledge of mercantile captains, to provide public libraries, to read and authorize dramas, to inspect passenger-ships, to see that small dwellings are supplied with water, to regulate endless things from a banker's issues down to the boat-fares on the Serpentine—is it not manifest that its primary duty must be ill-discharged in proportion to the multiplicity of affairs it busies itself with? Must not its time and energies be frittered away in schemes, and inquiries, and amendments, in discussions, and divisions, to the neglect of its essential business? And does not a glance over the debates make it clear that this is the fact? and that, while parliament and public are alike occupied with these mischievous interferences, these utopian hopes, the one thing needful is left almost undone?

See here, then, the proximate cause of our legal abominations. We drop the substance in our efforts to catch shadows. While our firesides, and clubs, and taverns are

* *Edinburgh Review*, April, 1839.

filled with talk about corn-law questions, and church questions, and education questions, and poor-law questions —all of them raised by over-legislation—the justice question gets scarcely any attention; and we daily submit to be oppressed, cheated, robbed. This institution which should succour the man who has fallen among thieves, turns him over to solicitors, barristers, and a legion of law-officers; drains his purse for writs, briefs, affidavits, subpœnas, fees of all kinds and expenses innumerable; involves him in the intricacies of common courts, chancery courts, suits, counter-suits, and appeals; and often ruins where it should aid. Meanwhile, meetings are called, and leading articles written, and votes asked, and societies formed, and agitations carried on, not to rectify these gigantic evils, but partly to abolish our ancestors' mischievous meddlings and partly to establish meddlings of our own. Is it not obvious that this fatal neglect is a result of this mistaken officiousness? Suppose that external and internal protection had been the sole recognized functions of the ruling powers. Is it conceivable that our administration of justice would have been as corrupt as now? Can any one believe that had parliamentary elections been habitually contested on questions of legal reform, our judicial system would still have been what Sir John Romilly calls it,—"a technical system invented for the creation of costs?" Does any one suppose that, if the efficient defence of person and property had been the constant subject-matter of hustings pledges, we should yet be waylaid by a Chancery Court which has now more than two hundred millions of property in its clutches —which keeps suits pending fifty years, until all the funds are gone in fees—which swallows in costs two millions annually? Dare any one assert that had constituencies been always canvassed on principles of law-reform versus law-conservatism, Ecclesiastical Courts would have continued for centuries fattening on the goods of widows and orphans? The questions are next to absurd. A child may

see that with the general knowledge people have of legal corruptions and the universal detestation of legal atrocities, an end would long since have been put to them, had the administration of justice always been *the* political topic. Had not the public mind been constantly pre-occupied, it could never have been tolerated that a man neglecting to file an answer to a bill in due course, should be imprisoned fifteen years for contempt of court, as Mr. James Taylor was. It would have been impossible that, on the abolition of their sinecures, the sworn-clerks should have been compensated by the continuance of their exorbitant incomes, not only till death, but for seven years after, at a total estimated cost of £700,000. Were the State confined to its defensive and judicial functions, not only the people but legislators themselves would agitate against abuses. The sphere of activity and the opportunities for distinction being narrowed, all the thought, and industry, and eloquence which members of Parliament now expend on impracticable schemes and artificial grievances, would be expended in rendering justice pure, certain, prompt, and cheap. The complicated follies of our legal verbiage, which the uninitiated cannot understand and which the initiated interpret in various senses, would be quickly put an end to. We should no longer frequently hear of Acts of Parliament so bunglingly drawn up that it requires half a dozen actions and judges' decisions under them, before even lawyers can say how they apply. There would be no such stupidly-designed measures as the Railway Winding-up Act, which, though passed in 1846 to close the accounts of the bubble schemes of the mania, leaves them still unsettled in 1854—which, even with funds in hand, withholds payment from creditors whose claims have been years since admitted. Lawyers would no longer be suffered to maintain and to complicate the present absurd system of land titles, which, besides the litigation and loss it perpetually causes, lowers the value of estates, prevents the

ready application of capital to them, checks the development of agriculture, and thus hinders the improvement of the peasantry and the prosperity of the country. In short, the corruptions, follies, and terrors of law would cease; and that which men now shrink from as an enemy they would come to regard as what it purports to be—a friend.

How vast then is the negative evil which, in addition to the positive evils before enumerated, this meddling policy entails on us! How many are the grievances men bear, from which they would otherwise be free! Who is there that has not submitted to injuries rather than run the risk of heavy law-costs? Who is there that has not abandoned just claims rather than "throw good money after bad?" Who is there that has not paid unjust demands rather than withstand the threat of an action? This man can point to property that has been alienated from his family from lack of funds or courage to fight for it. That man can name several relations ruined by a law-suit. Here is a lawyer who has grown rich on the hard earnings of the needy and the savings of the oppressed. There is a once wealthy trader who has been brought by legal iniquities to the workhouse or the lunatic asylum. The badness of our judicial system vitiates our whole social life: renders almost every family poorer than it would otherwise be; hampers almost every business transaction; inflicts daily anxieties on every trader. And all this loss of property, time, temper, comfort, men quietly submit to from being absorbed in the pursuit of schemes which eventually bring on them other mischiefs.

Nay, the case is even worse. It is distinctly proveable that many of these evils about which outcries are raised, and to cure which special Acts of Parliament are loudly invoked, are themselves *produced* by our disgraceful judicial system. For example, it is well known that the horrors out of which our sanitary agitators make political capital,

are found in their greatest intensity on properties that have been for a generation in Chancery—are distinctly traceable to the ruin thus brought about; and would never have existed but for the infamous corruptions of law. Again, it has been shown that the long-drawn miseries of Ireland, which have been the subject of endless legislation, have been mainly produced by inequitable land-tenure and the complicated system of entail: a system which wrought such involvements as to prevent sales; which practically negatived all improvement; which brought landlords to the workhouse; and which required an Incumbered Estates Act to cut its gordian knots and render the proper cultivation of the soil possible. Judicial negligence, too, is the main cause of railway accidents. If the State would fulfil its true function, by giving passengers an easy remedy for breach of contract when trains are behind time, it would do more to prevent accidents than can be done by the minutest inspection or the most cunningly-devised regulations; for it is notorious that the majority of accidents are primarily caused by irregularity. In the case of bad house-building, also, it is obvious that a cheap, rigorous, and certain administration of justice, would make Building Acts needless. For is not the man who erects a house of bad materials ill put together, and, concealing these with papering and plaster, sells it as a substantial dwelling, guilty of fraud? And should not the law recognize this fraud as it does in the analogous case of an unsound horse? And if the legal remedy were easy, prompt, and sure, would not builders cease transgressing? So is it in other cases: the evils which men perpetually call on the State to cure by superintendence, themselves arise from non-performance of its original duty.

See then how this vicious policy complicates itself. Not only does meddling legislation fail to cure the evils it aims at; not only does it make many evils worse; not only does it create new evils greater than the old; but while doing

this it entails on men the oppressions, robberies, ruin, which flow from the non-administration of justice. And not only to the positive evils does it add this vast negative one, but this again, by fostering many social abuses that would not else exist, furnishes occasions for more meddlings which again act and re-act in the same way. And thus as ever, "things bad begun make strong themselves by ill."

After assigning reasons thus fundamental, for condemning all State-action save that which universal experience has proved to be absolutely needful, it would seem superfluous to assign subordinate ones. Were it called for, we might, taking for text Mr. Lindsay's work on "Navigation and Mercantile Marine Law," say much upon the complexity to which this process of adding regulation to regulation—each necessitated by foregoing ones—ultimately leads: a complexity which, by the misunderstandings, delays, and disputes it entails, greatly hampers our social life. Something, too, might be added upon the perturbing effects of that "gross delusion," as M. Guizot calls it, "a belief in the sovereign power of political machinery"—a delusion to which he partly ascribes the late revolution in France; and a delusion which is fostered by every new interference. But, passing over these, we would dwell for a short space upon the national enervation which this State-superintendence produces.

The enthusiastic philanthropist, urgent for some act of parliament to remedy this evil or secure the other good, thinks it a trivial and far-fetched objection that the people will be morally injured by doing things for them instead of leaving them to do things themselves. He vividly conceives the benefit he hopes to get achieved, which is a positive and readily imaginable thing. He does not conceive the diffused, invisible, and slowly-accumulating effect wrought on the popular mind, and so does not believe in it; or, if he admits it, thinks it beneath consideration. Would he but re-

member, however, that all national character is gradually produced by the daily action of circumstances, of which each day's result seems so insignificant as not to be worth mentioning, he would perceive that what is trifling when viewed in its increments may be formidable when viewed in its total. Or if he would go into the nursery, and watch how repeated actions—each of them apparently unimportant,—create, in the end, a habit which will affect the whole future life; he would be reminded that every influence brought to bear on human nature tells, and, if continued, tells seriously. The thoughtless mother who hourly yields to the requests—"Mamma, tie my pinafore," "Mamma, button my shoe," and the like, cannot be persuaded that each of these concessions is detrimental; but the wiser spectator sees that if this policy be long pursued, and be extended to other things, it will end in inaptitude. The teacher of the old school who showed his pupil the way out of every difficulty, did not perceive that he was generating an attitude of mind greatly militating against success in life. The modern teacher, however, induces his pupil to solve his difficulties himself; believes that in so doing he is preparing him to meet the difficulties which, when he goes into the world, there will be no one to help him through; and finds confirmation for this belief in the fact that a great proportion of the most successful men are self-made. Well, is it not obvious that this relationship between discipline and success holds good nationally? Are not nations made of men; and are not men subject to the same laws of modification in their adult years as in their early years? Is it not true of the drunkard, that each carouse adds a thread to his bonds? of the trader, that each acquisition strengthens the wish for acquisitions? of the pauper, that the more you assist him the more he wants? of the busy man, that the more he has to do the more he can do? And does it not follow that if every individual is subject to this process of adaptation to conditions, a whole nation must be

so—that just in proportion as its members are little helped by extraneous power they will become self-helping, and in proportion as they are much helped they will become helpless? What folly is it to ignore these results because they are not direct, and not immediately visible. Though slowly wrought out they are inevitable. We can no more elude the laws of human development than we can elude the law of gravitation; and so long as they hold true must these effects occur.

If we are asked in what special directions this alleged helplessness, entailed by much State-superintendence, shows itself; we reply that it is seen in a retardation of all social growths requiring self-confidence in the people—in a timidity that fears all difficulties not before encountered—in a thoughtless contentment with things as they are. Let any one, after duly watching the rapid evolution going on in England, where men have been comparatively little helped by governments—or better still, after contemplating the unparalleled progress of the United States, which is peopled by self-made men, and the recent descendants of self-made men;—let such an one, we say, go on to the Continent, and consider the relatively slow advance which things are there making; and the still slower advance they would make but for English enterprise. Let him go to Holland, and see that though the Dutch early showed themselves good mechanics, and have had abundant practice in hydraulics, Amsterdam has been without any due supply of water until now that works are being established by an English company. Let him go to Berlin, and there be told that, to give that city a water-supply such as London has had for generations, the project of an English firm is about to be executed by English capital, under English superintendence. Let him go to Vienna, and learn that it, in common with other continental cities, is lighted by an English gas-company. Let him go on the Rhone, on the Loire, on the Danube, and discover that Englishmen established steam

navigation on those rivers. Let him inquire concerning the railways in Italy, Spain, France, Sweden, Denmark, how many of them are English projects, how many have been largely helped by English capital, how many have been executed by English contractors, how many have had English engineers. Let him discover, too, as he will, that where railways have been government-made, as in Russia, the energy, the perseverance, and the practical talent developed in England and the United States have been called in to aid. And then if these illustrations of the progressiveness of a self-dependent race, and the torpidity of paternally-governed ones, do not suffice him, he may read Mr. Laing's successive volumes of European travel, and there study the contrast in detail. What, now, is the cause of this contrast? In the order of nature, a capacity for self-help must in every case have been brought into existence by the practice of self-help; and, other things equal, a lack of this capacity must in every case have arisen from the lack of demand for it. Do not these two antecedents and their two consequents agree with the facts as presented in England and Europe? Were not the inhabitants of the two, some centuries ago, much upon a par in point of enterprise? Were not the English even behind in their manufactures, in their colonization, in their commerce? Has not the immense relative change the English have undergone in this respect, been coincident with the great relative self-dependence they have been since habituated to? And has not the one been caused by the other? Whoever doubts it, is asked to assign a more probable cause. Whoever admits it, must admit that the enervation of a people by perpetual State-aids is not a trifling consideration, but the most weighty consideration. A general arrest of national growth he will see to be an evil greater than any special benefits can compensate for. And, indeed, when, after contemplating this great fact, the overspreading of the Earth by the English, he remarks the

absence of any parallel achievement by a continental race—when he reflects how this difference must depend chiefly on difference of character, and how such difference of character has been mainly produced by difference of discipline; he will perceive that the policy pursued in this matter may have a large share in determining a nation's ultimate fate.

We are not sanguine, however, that argument will change the convictions of those who put their trust in legislation. With men of a certain order of thought the foregoing reasons will have weight. With men of another order of thought they will have little or none; nor would any accumulation of such reasons affect them. The truth that experience teaches, has its limits. The experiences which teach, must be experiences which can be appreciated; and experiences exceeding a certain degree of complexity become inappreciable to the majority. It is thus with most social phenomena. If we remember that for these two thousand years and more, mankind have been making regulations for commerce, which have all along been strangling some trades and killing others with kindness, and that though the proofs of this have been constantly before their eyes, they have only just discovered that they have been uniformly doing mischief—if we remember that even now only a small portion of them see this; we are taught that perpetually-repeated and ever-accumulating experiences will fail to teach, until there exist the mental conditions required for the assimilation of them. Nay, when they are assimilated, it is very imperfectly. The truth they teach is only half understood, even by those supposed to understand it best. For example, Sir Robert Peel, in one of his last speeches, after describing the immensely increased consumption consequent on free trade, goes on to say:—

"If, then, you can only continue that consumption—if, *by your legislation*, under the favour of Providence, *you can maintain the demand for labour and make your trade and manufactures prosperous*, you are not only increasing the

sum of human happiness, but are giving the agriculturists of this country the best chance of that increased demand which must contribute to their welfare."—*Times*, Feb. 22, 1850.

Thus the prosperity really due to the abandonment of all legislation, is ascribed to a particular kind of legislation. "*You* can maintain the demand," he says; "*you* can make trade and manufactures prosperous;" whereas, the facts he quotes prove that they can do this only by doing nothing. The essential truth of the matter—that law had been doing immense harm, and that this prosperity resulted not from law but from the absence of law—is missed; and his faith in legislation in general, which should, by this experience, have been greatly shaken, seemingly remains as strong as ever. Here, again, is the House of Lords, apparently not yet believing in the relationship of supply and demand, adopting within these few weeks the standing order—

"That before the first reading of any bill for making any work in the construction of which compulsory power is sought to take thirty houses or more inhabited by the labouring classes in any one parish or place, the promoters be required to deposit in the office of the clerk of the parliaments a statement of the number, description, and situation of the said houses, the number (so far as they can be estimated) of persons to be displaced, *and whether any and what provision is made in the bill for remedying the inconvenience likely to arise from such displacements.*"

If, then, in the comparatively simple relationships of trade, the teachings of experience remain for so many ages unperceived, and are so imperfectly apprehended when they are perceived, it is scarcely to be hoped that where all social phenomena—moral, intellectual, and physical—are involved, any due appreciation of the truths displayed will presently take place. The facts cannot yet get recognized as facts. As the alchemist attributed his successive disappointments to some disproportion in the ingredients, some impurity, or some too great temperature, and never to the futility of his process or the impossibility of his aim; so, every failure of State-regulations the law-worshipper explains away as being caused by this trifling oversight, or that little

mistake: all which oversights and mistakes he assures you will in future be avoided. Eluding the facts as he does after this fashion, volley after volley of them produce no effect.

Indeed this faith in governments is in a certain sense organic; and can diminish only by being outgrown. From the time when rulers were thought demi-gods, there has been a gradual decline in men's estimates of their power. This decline is still in progress, and has still far to go. Doubtless, every increment of evidence furthers it in *some* degree, though not to the degree that at first appears. Only in so far as it modifies character does it produce a permanent effect. For while the mental type remains the same, the removal of a special error is inevitably followed by the growth of other errors of the same genus. All superstitions die hard; and we fear that this belief in government-omnipotence will form no exception.

# REPRESENTATIVE GOVERNMENT—WHAT IS IT GOOD FOR?

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SHAKSPEARE'S simile for adversity—

> Which, like the toad, ugly and venomous,
> Wears yet a precious jewel in his head,

might fitly be used also as a simile for a disagreeable truth. Repulsive as is its aspect, the hard fact which dissipates a cherished illusion, is presently found to contain the germ of a more salutary belief. The experience of every one furnishes instances in which an opinion long shrunk from as seemingly at variance with all that is good, but finally accepted as irresistible, turns out to be fraught with benefits. It is thus with self-knowledge: much as we dislike to admit our defects, we find it better to know and guard against than to ignore them. It is thus with changes of creed: alarming as looks the reasoning by which superstitions are overthrown, the convictions to which it leads prove to be healthier ones than those they superseded. And it is thus with political enlightenment: men eventually see cause to thank those who pull to pieces their political air-castles, hateful as they once seemed. Moreover, not only is it always better to believe truth than error; but the repugnant-looking facts are ever found to be parts of something far better than the ideal which they

dispelled. To the many illustrations of this which might be cited, we shall presently add another.

It is a conviction almost universally entertained here in England, that our method of making and administering laws possesses every virtue. Prince Albert's unlucky saying that "Representative Government is on its trial," is vehemently repudiated: we consider that the trial has long since ended in our favour on all the counts. Partly from ignorance, partly from the bias of education, partly from that patriotism which leads the men of each nation to pride themselves in their own institutions, we have an unhesitating belief in the entire superiority of our form of political organization. Yet unfriendly critics can point out vices that are manifestly inherent. And if we may believe the defenders of despotism, these vices are fatal to its efficiency.

Now instead of denying or blinking these allegations, it would be wiser candidly to inquire whether they are true; and if true, what they imply. If, as most of us are so confident, government by representatives is better than any other, we can afford to listen patiently to all adverse remarks: believing that they are either invalid, or that if valid they do not essentially tell against its merits. If our political system is well founded, this crucial criticism will serve but to bring out its worth more clearly than ever; and to give us higher conceptions of its nature, its meaning, its purpose. Let us, then, banishing for the nonce all prepossessions, and taking up a thoroughly antagonistic point of view, set down without mitigation its many flaws, vices, and absurdities.

Is it not manifest that a ruling body made up of many individuals, who differ in character, education, and aims, who belong to classes having antagonistic ideas and feelings, and who are severally swayed by the special

opinions of the districts deputing them, must be a cumbrous apparatus for the management of public affairs? When we devise a machine we take care that its parts are as few as possible; that they are adapted to their respective ends; that they are properly joined with one another; and that they work smoothly to their common purpose. Our political machine, however, is constructed upon directly opposite principles. Its parts are extremely numerous: multiplied, indeed, beyond all reason. They are not severally chosen as specially qualified for particular functions. No care is taken that they shall fit well together: on the contrary, our arrangements are such that they are certain not to fit. And that, as a consequence, they do not and cannot act in harmony, is a fact nightly demonstrated to all the world. In truth, had the problem been to find an appliance for the slow and bungling transaction of business, it could scarcely have been better solved. Immense hindrance results from the mere multiplicity of parts; a further immense hindrance results from their incongruity; yet another immense hindrance results from the frequency with which they are changed; while the greatest hindrance of all results from the want of subordination of the parts to their functions—from the fact that the personal welfare of the legislator is not bound up with the efficient performance of his political duty.

These defects are inherent in the very nature of our institutions; and they cannot fail to produce disastrous mismanagement. If proofs be needed, they may be furnished in abundance, both from the current history of our central representative government, and from that of local ones, public and private. Let us, before going on to contemplate these evils as displayed on a great scale in our legislature, glance at some of them in their simpler and smaller manifestations.

We will not dwell on the comparative inefficiency of deputed administration in mercantile affairs. The untrust-

worthiness of directorial management might be afresh illustrated by the recent joint-stock-bank catastrophies: the recklessness and dishonesty of rulers whose interests are not one with those of the concern they control, being in these cases conspicuously displayed. Or we could enlarge on the same truth as exhibited in the doings of railway-boards: instancing the malversations proved against their members; the carelessness which has permitted Robson and Redpath frauds; the rashness perseveringly shown in making unprofitable branches and extensions. But facts of this kind are sufficiently familiar.

Let us pass, then, to less notorious examples. Mechanics' Institutions will supply our first. The theory of these is plausible enough. Artizans wanting knowledge, and benevolent middle-class people wishing to help them to it, constitute the raw material. By uniting their means they propose to obtain literary and other advantages, which else would be beyond their reach. And it is concluded that, being all interested in securing the proposed objects, and the governing body being chosen out of their number, the results cannot fail to be such as were intended. In most cases, however, the results are quite otherwise. Indifference, stupidity, party-spirit, and religious dissension, nearly always thwart the efforts of the promoters. It is thought good policy to select as president some local notability; probably not distinguished for wisdom, but whose donation or prestige more than counterbalances his defect in this respect. Vice-presidents are chosen with the same view: a clergyman or two; some neighbouring squires, if they can be had; an ex-mayor; several aldermen; half a dozen manufacturers and wealthy tradesmen; and a miscellaneous complement. While the committee, mostly elected more because of their position or popularity than their intelligence or fitness for co-operation, exhibit similar incongruities. Causes of dissension quickly arise. A book much wished for by the mass of the members, is tabooed, because

ordering it would offend the clerical party in the institution. Regard for the prejudices of certain magistrates and squires who figure among the vice-presidents, forbids the engagement of an otherwise desirable and popular lecturer, whose political and religious opinions are somewhat extreme. The selection of newspapers and magazines for the reading-room, is a fruitful source of disputes. Should some, thinking it would be a great boon to those for whom the institution was established, propose to open the reading-room on Sundays, there arises a violent fight; ending, perhaps, in the secession of some of the defeated party. The question of amusements, again, furnishes a bone of contention. Shall the institution exist solely for instruction, or shall it add gratification? The refreshment-question, also, is apt to be raised, and to add to the other causes of difference. In short, the stupidity, prejudice, party-spirit, and squabbling, are such as eventually to drive away in disgust those who should have been the administrators; and to leave the control in the hands of a clique, who pursue some humdrum middle course, satisfying nobody. Instead of that prosperity which would probably have been achieved under the direction of one good man-of-business, whose welfare was bound up with its success, the institution loses its prestige, and dwindles away: ceases almost entirely to be what was intended—a *mechanics'* institution; and becomes little more than a middle-class lounge, kept up not so much by the permanent adhesion of its members, as by the continual addition of new ones in place of the old ones constantly falling off. Meanwhile, the end originally proposed is fulfilled, so far as it gets fulfilled at all, by private enterprise. Cheap newspapers and cheap periodicals, provided by publishers having in view the pockets and tastes of the working-classes; coffee-shops and penny reading-rooms, set up by men whose aim is profit; are the instruments of the chief proportion of such culture as is going on.

In higher-class institutions of the same order—in Literary

Societies and Philosophical Societies, etc.—the like inefficiency of representative government is generally displayed. Quickly following the vigour of early enthusiasm, come class and sectarian differences, the final supremacy of a party, bad management, apathy. Subscribers complain they cannot get what they want; and one by one desert to private book-clubs or to Mudie.

Turning from non-political to political institutions, we might, had we space, draw illustrations from the doings of the old poor-law authorities, or from those of modern boards of guardians; but omitting these and others such, we will, among local governments, confine ourselves to the reformed municipal corporations.

If, leaving out of sight all other evidences, and forgetting that they are newly-organized bodies into which corruption has scarcely had time to creep, we were to judge of these municipal corporations by the town-improvements they have effected, we might pronounce them successful. But, even without insisting on the fact that such improvements are more due to the removal of obstructions, and to that same progressive spirit which has established railways and telegraphs, than to the positive virtues of these civic governments; it is to be remarked that the execution of numerous public works is by no means an adequate test. With power of raising funds limited only by a rebellion of ratepayers, it is easy in prosperous, increasing towns, to make a display of efficiency. The proper questions to be asked are:—Do municipal elections end in the choice of the fittest men who are to be found? Does the resulting administrative body, perform well and economically the work which devolves on it? And does it show sound judgment in refraining from needless or improper work? To these questions the answers are by no means satisfactory.

Town-councils are not conspicuous for either intelligence or high character. There are competent judges who think that, on the average, their members are inferior to those of

the old corporations they superseded. As all the world knows, the elections turn mainly on political opinions. The first question respecting any candidate is, not whether he has great knowledge, judgment, or business-faculty—not whether he has any special aptitude for the duty to be discharged; but whether he is Whig or Tory. Even supposing his politics to be unobjectionable, his nomination still does not depend chiefly on his proved uprightness or capacity, but much more on his friendly relations with the dominant clique. A number of the town magnates, habitually meeting probably at the chief hotel, and there held together as much by the brotherhood of conviviality as by that of opinion, discuss the merits of all whose names are before the public, and decide which are the most suitable. This gin-and-water caucus it is which practically determines the choice of candidates; and, by consequence, the elections. Those who will succumb to leadership—those who will merge their private opinions in the policy of their party, of course have the preference. Men too independent for this—too far-seeing to join in the shibboleth of the hour, or too refined to mix with the "jolly good fellows" who thus rule the town, are shelved; notwithstanding that they are, above all others, fitted for office. Partly from this underhand influence, and partly from the consequent disgust which leads them to decline standing if asked, the best men are generally not in the governing body. It is notorious that in London the most respectable merchants will have nothing to do with the local government. And in New York, "the exertions of its better citizens are still exhausted in private accumulation, while the duties of administration are left to other hands." It cannot then be asserted that in town-government, the representative system succeeds in bringing the ablest and most honourable men to the top.

The efficient and economical discharge of duties is, of course, hindered by this inferiority of the deputies chosen;

and it is further hindered by the persistent action of party and personal motives. Not whether he knows well how to handle a level, but whether he voted for the popular candidate at the last parliamentary election, is the question on which may, and sometimes does, hang the choice of a town-surveyor; and if sewers are ill laid out, it is a natural consequence. When, a new public edifice having been decided on, competition designs are advertised for; and when the designs, ostensibly anonymous but really identifiable, have been sent in; T. Square, Esq., who has an influential relative in the corporation, makes sure of succeeding, and is not disappointed: albeit his plans are not those which would have been chosen by any one of the judges, had the intended edifice been his own. Brown, who has for many years been on the town-council and is one of the dominant clique, has a son who is a doctor; and when, in pursuance of an Act of Parliament, an officer of health is to be appointed, Brown privately canvasses his fellow-councillors, and succeeds in persuading them to elect his son; though his son is by no means the fittest man the place can furnish. Similarly with the choice of tradesmen to execute work for the town. A public clock which is frequently getting out of order, and Board-of-Health water-closets which disgust those who have them (we state facts), sufficiently testify that stupidity, favouritism, or some sinister influence, is ever causing mismanagement. The choice of inferior representatives, and by them of inferior *employés*, joined with private interest and divided responsibility, inevitably prevent the discharge of duties from being satisfactory.

Moreover, the extravagance which is now becoming a notorious vice of municipal bodies, is greatly increased by the practice of undertaking things which they ought not to undertake; and the incentive to do this is, in many cases, traceable to the representative origin of the body. The system of compounding with landlords for municipal

rates, leads the lower class of occupiers into the erroneous belief that town-burdens do not fall in any degree on them; and they therefore approve of an expenditure which seemingly gives them gratis advantages while it creates employment. As they form the mass of the constituency, lavishness becomes a popular policy; and popularity-hunters vie with one another in bringing forward new and expensive projects. Here is a councillor who, having fears about his next election, proposes an extensive scheme for public gardens—a scheme which many who disapprove do not oppose, because they, too, bear in mind the next election. There is another councillor, who keeps a shop, and who raises and agitates the question of baths and wash-houses; very well knowing that his trade is not likely to suffer from such a course. And so in other cases: the small direct interest which each member of the corporation has in economical administration, is antagonized by so many indirect interests of other kinds, that he is not likely to be a good guardian of the public purse.

Thus, neither in respect of the deputies chosen, nor the efficient performance of their work, nor the avoidance of unfit work, can the governments of our towns be held satisfactory. And if in these recently-formed bodies the defects are so conspicuous, still more conspicuous are they where they have had time to grow to their full magnitude: witness the case of New York. According to the *Times* correspondent in that city, the New York people pay "over a million and a half sterling, for which they have badly-paved streets, a police by no means as efficient as it should be, though much better than formerly, the greatest amount of dirt north of Italy, the poorest cab-system of any metropolis in the world, and only unsheltered wooden piers for the discharge of merchandize."

And now, having glanced at the general bearings of the question in these minor cases, let us take the major case of

our central government; and, in connexion with it, pursue the inquiry more closely. Here the inherent faults of the representative system are much more clearly displayed. The greater multiplicity of rulers involves greater cumbrousness, greater confusion, greater delay. Differences of class, of aims, of prejudices, are both larger in number and wider in degree; and hence arise dissensions still more multiplied. The direct effect which each legislator is likely to experience from the working of any particular measure, is usually very small and remote; while the indirect influences which sway him are, in this above all other cases, numerous and strong: whence follows a marked tendency to neglect public welfare for private advantage. But let us set out from the beginning—with the constituencies.

The representative theory assumes that if a number of citizens, deeply interested as they all are in good government, are endowed with political power, they will choose the wisest and best men for governors. Seeing how greatly they suffer from bad administration of public affairs, it is considered self-evident that they must have the *will* to select proper representatives; and it is taken for granted that average common sense gives the *ability* to select proper representatives. How does experience bear out these assumptions? Does it not to a great degree negative them?

Several considerable classes of electors have little or no *will* in the matter. Not a few of those on the register pique themselves on taking no part in politics—claim credit for having the sense not to meddle with things which they say do not concern them. Many others there are whose interest in the choice of a member of Parliament is so slight, that they do not think it worth while to vote. A notable proportion, too, shopkeepers especially, care so little about the result, that their votes are determined by their wishes to please their chief patrons or to avoid offending them. In the minds of a yet larger class, small sums of money, or

even *ad libitum* supplies of beer, outweigh any desires they have to use their political powers independently. Those who adequately recognize the importance of honestly exercising their judgments in the selection of legislators, and who give conscientious votes, form but a minority; and the election usually hangs less upon their wills than upon the illegitimate influences which sway the rest. Here, therefore, the theory fails.

Then, again, as to intelligence. Even supposing that the mass of electors have a sufficiently decided *will* to choose the best rulers, what evidence have we of their *ability*? Is picking out the wisest man among them, a task within the range of their capacities? Let any one listen to the conversation of a farmer's market-table, and then answer how much he finds of that wisdom which is required to discern wisdom in others. Or let him read the clap-trap speeches made from the hustings with a view of pleasing constituents, and then estimate the penetration of those who are to be thus pleased. Even among the higher order of electors he will meet with gross political ignorance—with notions that Acts of Parliament can do whatever it is thought well they should do; that the value of gold can be fixed by law; that distress can be cured by poor-laws; and so forth. If he descends a step, he will find in the still-prevalent ideas that machinery is injurious to the working-classes, and that extravagance is "good for trade," indices of a yet smaller insight. And in the lower and larger class, formed by those who think that their personal interest in good government is not worth the trouble of voting, or is outbalanced by the loss of a customer, or is of less value than a bribe, he will perceive an almost hopeless stupidity. Without going the length of Mr. Carlyle, and defining the people as "twenty-seven millions, mostly fools," he will confess that they are but sparely gifted with wisdom.

That these should succeed in choosing the fittest

governors, would be strange; and that they do not so succeed is manifest. Even as judged by the most common-sense tests, their selections are absurd, as we shall shortly see.

It is a self-evident truth that we may most safely trust those whose interests are identical with our own; and that it is very dangerous to trust those whose interests are antagonistic to our own. All the legal securities we take in our transactions with one another, are so many recognitions of this truth. We are not satisfied with *professions*. If another's position is such that he must be liable to motives at variance with the promises he makes, we take care, by introducing an artificial motive (the dread of legal penalties), to make it his interest to fulfil these promises. Down to the asking for a receipt, our daily business-habits testify that, in consequence of the prevailing selfishness, it it extremely imprudent to expect men to regard the claims of others equally with their own: all asseverations of good faith notwithstanding. Now it might have been thought that even the modicum of sense possessed by the majority of electors, would have led them to recognize this fact in the choice of their representatives. But they show a total disregard of it. While the theory of our Constitution, in conformity with this same fact, assumes that the three divisions composing the Legislature will severally pursue each its own ends—while our history shows that Monarch, Lords, and Commons, *have* all along more or less conspicuously done this; our electors manifest by their votes, the belief that their interests will be as well cared for by members of the titled class as by members of their own class. Though, in their determined opposition to the Reform-Bill, the aristocracy showed how greedy they were, not only of their legitimate power but of their illegitimate power—though, by the enactment and pertinacious maintenance of the Corn-Laws, they proved how little popular welfare weighed in the

scale against their own profits—though they have ever displayed a watchful jealousy even of their smallest privileges, whether equitable or inequitable (as witness the recent complaint in the House of Lords, that the Mercantile Marine Act calls on lords of manors to show their titles before they can claim the wrecks thrown on the shores of their estates, which before they had always done by prescription)—though they have habitually pursued that self-seeking policy which men so placed were sure to pursue; yet constituencies have decided that members of the aristocracy may fitly be chosen as representatives of the people. Our present House of Commons contains 98 Irish peers and sons of English peers; 66 blood-relations of peers; and 67 connexions of peers by marriage: in all, 231 members whose interests, or sympathies, or both, are with the nobility rather than the commonalty. We are quite prepared to hear the doctrine implied in this criticism condemned by rose-water politicians as narrow and prejudiced. To such we simply reply that they and their friends fully recognize this doctrine when it suits them to do so. Why do they wish to prevent the town-constituencies from predominating over the county-ones; if they do not believe that each division of the community will consult its own welfare? Or what plea can there be for Lord John Russell's proposal to represent minorities, unless it be the plea that those who have the opportunity will sacrifice the interests of others to their own? Or how shall we explain the anxiety of the upper class, to keep a tight rein on the growing power of the lower class, save from their consciousness that *bonâ fide* representatives of the lower class would be less regardful of their privileges than they are themselves? If there be any reason in the theory of the Constitution, then, while the members of the House of Peers should belong to the peerage, the members of the House of Commons should belong to the commonalty. Either the constitutional theory is sheer nonsense, or else

the choice of lords as representatives of the people proves the folly of constituencies.

But this folly by no means ends here: it works out other results quite as absurd. What should we think of a man giving his servants equal authority with himself over the affairs of his household? Suppose the shareholders in a railway-company were to elect, as members of their board of directors, the secretary, engineer, superintendent, traffic-manager, and others such. Should we not be astonished at their stupidity? Should we not prophesy that the private advantage of officials would frequently override the welfare of the company? Yet our parliamentary electors commit a blunder of just the same kind. For what are military and naval officers but servants of the nation; standing to it in a relation like that in which the officers of a railway-company stand to the company? Do they not perform public work? do they not take public pay? And do not their interests differ from those of the public, as the interests of the employed from those of the employer? The impropriety of admitting executive agents of the State into the Legislature, has over and over again thrust itself into notice; and in minor cases has been prevented by sundry Acts of Parliament. Enumerating those disqualified for the House of Commons, Blackstone says—

"No persons concerned in the management of any duties or taxes created since 1692, except the commissioners of the treasury, nor any of the officers following, *viz.* commissioners of prizes, transports, sick and wounded, wine licences, navy, and victualling; secretaries or receivers of prizes; comptrollers of the army accounts; agents for regiments; governors of plantations, and their deputies; officers of Minorca or Gibraltar; officers of the excise and customs; clerks and deputies in the several offices of the treasury, exchequer, navy, victualling, admiralty, pay of the army and navy, secretaries of state, salt, stamps, appeals, wine licences, hackney coaches, hawkers and pedlars, nor any persons that hold any new office under the crown created since 1705, are capable of being elected, or sitting as members."

In which list naval and military officers would doubtless have been included, had they not always been too powerful a body and too closely identified with the dominant classes.

Glaring, however, as is the impolicy of appointing public servants to make the laws; and clearly as this impolicy is recognized in the above-specified exclusions from time to time enacted; the people at large seem totally oblivious of it. At the last general election they returned 9 naval officers, 46 military officers, and 51 retired military officers, who, in virtue of education, friendship, and *esprit de corps*, take the same views with their active comrades—in all 106: not including 64 officers of militia and yeomanry, whose sympathies and ambitions are in a considerable degree the same. If any one thinks that this large infusion of officialism is of no consequence, let him look in the division-lists. Let him inquire how much it has had to do with the maintenance of the purchase-system. Let him ask whether the almost insuperable obstacles to the promotion of the private soldier, have not been strengthened by it. Let him see what share it had in keeping up those worn-out practices, and forms, and mis-arrangements, which entailed the disasters of our late war. Let him consider whether the hushing-up of the Crimean Inquiry and the whitewashing of delinquents were not aided by it. Yet, though abundant experience thus confirms what common sense would beforehand have predicted; and though, notwithstanding the late disasters, exposures, and public outcry for army-reform, the influence of the military caste is so great that the reform has been staved-off; our constituencies are stupid enough to send to Parliament as many military officers as ever!

Not even now have we reached the end of these impolitic selections. The general principle on which we have been insisting, and which is recognized by expounders of the constitution when they teach that the legislative and executive divisions of the Government should be distinct—this general principle is yet further sinned against; though not in so literal a manner. For though they do not take State-pay, and are not nominally Government-officers, yet,

practically, lawyers are members of the executive organization. They form an important part of the apparatus for the administration of justice. By the working of this apparatus they make their profits; and their welfare depends on its being so worked as to bring them profits, rather than on its being so worked as to administer justice. Exactly as military officers have interests distinct from, and often antagonistic to, the efficiency of the army; so, barristers and solicitors have interests distinct from, and often antagonistic to, the cheap and prompt enforcement of the law. And that they are habitually swayed by these antagonistic interests, is notorious. So strong is the bias, as sometimes even to destroy the power of seeing from any other than the professional stand-point. We have ourselves heard a lawyer declaiming on the damage which the County-Courts-Act had done to the profession; and expecting his non-professional hearers to join him in condemning it there-for! And if, as all the world knows, the legal conscience is not of the tenderest, is it wise to depute lawyers to frame the laws which they will be concerned in carrying out; and the carrying out of which must affect their private incomes? Are barristers, who constantly take fees for work which they do not perform, and attorneys, whose bills are so often exorbitant that a special office has been established for taxing them—are these, of all others, to be trusted in a position which would be trying even to the most disinterested? Nevertheless, the towns and counties of England have returned to the present House of Commons 98 lawyers—some 60 of them in actual practice, and the rest retired, but doubtless retaining those class-views acquired during their professional careers.

These criticisms on the conduct of constituencies do not necessarily commit us to the assertion that *none* belonging to the official and aristocratic classes ought to be chosen. Though it would be safer to carry out, in these important

cases, the general principle which, as above shown, Parliament has itself recognized and enforced in unimportant cases; yet we are not prepared to say that occasional exceptions might not be made, on good cause being shown. All we aim to show is the gross impolicy of selecting so large a proportion of representatives from classes having interests different from those of the general public. That in addition to more than a third taken from the dominant class, who already occupy one division of the Legislature, the House of Commons should contain nearly another third taken from the naval, military, and legal classes, whose policy, like that of the dominant class, is to maintain things as they are; we consider a decisive proof of electoral misjudgment. That out of the 654 members, of which the People's House now consists, there should be but 250 who, as considered from a class point of view, are eligible, or tolerably eligible (for we include a considerable number who are more or less objectionable), is significant of anything but popular good sense. That into an assembly established to protect their interests, the commonalty of England should have sent one-third whose interests are the same as their own, and two-thirds whose interests are at variance with their own, proves a scarcely credible lack of wisdom; and seems an awkward fact for the representative theory.

If the intelligence of the mass is thus not sufficient even to choose out men who by position and occupation are fit representatives, still less is it sufficient to choose out men who are the fittest in character and capacity. To see who will be liable to the bias of private advantage is a very easy thing; to see who is wisest is a very difficult thing; and those who do not succeed in the first must necessarily fail in the last. The higher the wisdom the more incomprehensible does it become by ignorance. It is a manifest fact that the popular man or writer, is always one who is but little in advance of the mass, and consequently understand-

able by them: never the man who is far in advance of them and out of their sight. Appreciation of another implies some community of thought. "Only the man of worth can recognize worth in men. . . . . The worthiest, if he appealed to universal suffrage, would have but a poor chance. . . . . Alas! Jesus Christ, asking the Jews what he deserved—was not the answer, Death on the gallows!" And though men do not now-a-days stone the prophet, they, at any rate, ignore him. As Mr. Carlyle says in his vehement way—

"If of ten men nine are recognizable as fools, what is a common calculation, how. . . . in the name of wonder will you ever get a ballot-box to grind you out a wisdom from the votes of these ten men? . . . . . I will lay you a million blockheads looking authoritatively into one man of what you call genius or noble sense, will make nothing but nonsense out of him and his gratitude and his virtues and labours, if they look till the end of time."

So that, even were electors content to choose the man proved by general evidence to be the most far-seeing, and refrained from voting him by the coincidence of his views with their own, there would be small chance of their hitting on the best. But judging of him, as they do, by asking him whether he thinks this or that crudity which they think, it is manifest that they will fix on one far removed from the best. Their deputy will be truly representative;—representative, that is, of the average stupidity.

And now let us look at the assembly of representatives thus chosen. Already we have noted the unfit composition of this assembly as respects the interests of its members; and we have just seen what the representative theory itself implies as to their intelligence. Let us now, however, consider them more nearly under this last head.

And first, what is the work they undertake? Observe, we do not say the work which they *ought* to do, but the work which they *propose* to do, and try to do. This comprehends the regulation of nearly all actions going on throughout society. Besides devising measures to prevent

the aggression of citizens on one another, and to secure each the quiet possession of his own; and besides assuming the further function, also needful in the present state of mankind, of defending the nation as a whole against invaders; they unhesitatingly take on themselves to provide for countless wants, to cure countless ills, to oversee countless affairs. Out of the many beliefs men have held respecting God, Creation, the Future, etc., they presume to decide which are true; and authorize an army of priests to perpetually repeat them to the people. The distress resulting from improvidence, they undertake to remove: they settle the minimum which each ratepayer shall give in charity, and how the proceeds shall be administered. Judging that emigration will not naturally go on fast enough, they provide means for carrying off some of the labouring classes to the colonies. Certain that social necessities will not cause a sufficiently rapid spread of knowledge, and confident that they know what knowledge is most required, they use public money for the building of schools and paying of teachers; they print and publish State-school-books; they employ inspectors to see that their standard of education is conformed to. Playing the part of doctor, they insist that every one shall use their specific, and escape the danger of small-pox by submitting to an attack of cow-pox. Playing the part of moralist, they decide which dramas are fit to be acted and which are not. Playing the part of artist, they prompt the setting up of drawing-schools, provide masters and models; and, at Marlborough House, enact what shall be considered good taste and what bad. Through their lieutenants, the corporations of towns, they furnish appliances for the washing of peoples' skins and clothes; they, in some cases, manufacture gas and put down water-pipes; they lay out sewers and cover over cess-pools; they establish public libraries and make public gardens. Moreover, they determine how houses shall be built, and what is a safe construction for a ship; they take measures for the

security of railway-travelling; they fix the hour after which public-houses may not be open; they regulate the prices chargeable by vehicles plying in the London streets; they inspect lodging-houses; they arrange for burial-grounds; they fix the hours of factory hands. If some social process does not seem to them to be going on fast enough, they stimulate it; where the growth is not in the direction which they think most desirable, they alter it; and so they seek to realize some undefined ideal community.

Such being the task undertaken, what, let us ask, are the qualifications for discharging it? Supposing it possible to achieve all this, what must be the knowledge and capacities of those who shall achieve it? Successfully to prescribe for society, it is needful to know the structure of society—the principles on which it is organized—the natural laws of its progress. If there be not a true understanding of what constitutes social development, there must necessarily be grave mistakes made in checking these changes and fostering those. If there be lack of insight respecting the mutual dependence of the many functions which, taken together, make up the national life, unforeseen disasters will ensue from not perceiving how an interference with one will affect the rest. That is to say, there must be a due acquaintance with the social science—the science involving all others; the science standing above all others in complexity.

And now, how far do our legislators possess this qualification? Do they in any moderate degree display it? Do they make even a distant approximation to it? That many of them are very good classical scholars is beyond doubt: not a few have written first-rate Latin verses, and can enjoy a Greek play; but there is no obvious relation between a memory well stocked with the words spoken two thousand years ago, and an understanding disciplined to deal with modern society. That in learning the languages of the past they have learnt some of its history, is true; but considering that this history is mainly a narra-

tive of battles and plots and negociations and treacheries, it does not throw much light on social philosophy—not even the simplest principles of political economy have ever been gathered from it. We do not question, either, that a moderate per centage of members of Parliament are fair mathematicians; and that mathematical discipline is valuable. As, however, political problems are not susceptible of mathematical analysis, their studies in this direction cannot much aid them in legislation. To the large body of military officers who sit as representatives, we would not for a moment deny a competent knowledge of fortification, of strategy, of regimental discipline; but we do not see that these throw much light on the causes and cure of national evils. Indeed, considering that war fosters anti-social sentiments, and that the government of soldiers is necessarily despotic, military education and habits are more likely to unfit than to fit men for regulating the doings of a free people. Extensive acquaintance with the laws, may doubtless be claimed by the many barristers chosen by our constituencies; and this seems a kind of information having some relation to the work to be done. Unless, however, this information is more than technical—unless it is accompanied by knowledge of the ramified consequences which laws have produced in times past and are producing now (which nobody will assert), it cannot give much insight into Social Science. A familiarity with laws is no more a preparation for rational legislation, than would a familiarity with all the nostrums men have ever used be a preparation for the rational practice of medicine. Nowhere, then, in our representative body, do we find appropriate culture. Here is a clever novelist, and there a successful maker of railways; this member has acquired a large fortune in trade, and that member is noted as an agricultural improver; but none of these achievements imply fitness for controlling and adjusting social processes. Among the many who have passed through the public

school and university *curriculum*—including though they may a few Oxford double-firsts and one or two Cambridge wranglers—there are none who have received the discipline required by the true legislator. None have that competent knowledge of Science in general, culminating in the Science of Life, which can alone form a basis for the Science of Society. For it is one of those open secrets which seem the more secret because they are so open, that all phenomena displayed by a nation are phenomena of Life, and are dependent on the laws of Life. There is no growth, decay, evil, improvement, or change of any kind, going on in the body politic, but what has its cause in the actions of human beings; and there are no actions of human beings but what conform to the laws of Life in general, and cannot be truly understood until those laws are understood.

See, then, the immense incongruity between the end and the means. See on the one hand the countless difficulties of the task; and on the other hand the almost total unpreparedness of those who undertake it. Need we wonder that legislation is ever breaking down? Is it not natural that complaint, amendment, and repeal, should form the staple business of every session? Is there anything more than might be expected in the absurd Jack-Cadeisms which disgrace the debates? Even without setting up so high a standard of qualification as that above specified, the unfitness of most representatives for their duties is abundantly manifest. You need but glance over the miscellaneous list of noblemen, baronets, squires, merchants, barristers, engineers, soldiers, sailors, railway-directors, etc., and then ask what training their previous lives have given them for the intricate business of legislation, to see at once how extreme must be the incompetence. One would think that the whole system had been framed on the sayings of some political Dogberry:—"The art of healing is difficult; the art of government easy. The understanding of

arithmetic comes by study; while the understanding of society comes by instinct. Watchmaking requires a long apprenticeship; but there needs none for the making of institutions. To manage a shop properly requires teaching; but the management of a people may be undertaken without preparation." Were we to be visited by some wiser Gulliver, or, as in the "Micromegas" of Voltaire, by some inhabitant of another sphere, his account of our political institutions might run somewhat as follows:—

"I found that the English were governed by an assembly of men, said to embody the 'collective wisdom.' This assembly, joined with some other authorities which seem practically subordinate to it, has unlimited power. I was much perplexed by this. With us it is customary to define the office of any appointed body; and, above all things, to see that it does not defeat the ends for which it was appointed. But both the theory and the practice of this English Government imply that it may do whatever it pleases. Though, by their current maxims and usages, the English recognize the right of property as sacred—though the infraction of it is considered by them one of the gravest crimes—though the laws profess to be so jealous of it as to punish even the stealing of a turnip; yet their legislators suspend it at will. They take the money of citizens for any project which they choose to undertake; though such project was not in the least contemplated by those who gave them authority—nay, though the greater part of the citizens from whom the money is taken had no share in giving them such authority. Each citizen can hold property only so long as the 654 deputies do not want it. It seemed to me that an exploded doctrine once current among them of 'the divine right of kings,' had simply been changed into the divine right of Parliaments.

"I was at first inclined to think that the constitution of things on the Earth was totally different from what it is with us; for the current political philosophy here, implies

that acts are not right or wrong in themselves but are made one or the other by the votes of law-makers. In our world it is considered manifest that if a number of beings live together, there must, in virtue of their natures, be certain primary conditions on which only they can work satisfactorily in concert; and we infer that the conduct which breaks through these conditions is bad. In the English legislature, however, a proposal to regulate conduct by any such abstract standard would be held absurd. I asked one of their members of Parliament whether a majority of the House could legitimize murder. He said, No. I asked him whether it could sanctify robbery. He thought not. But I could not make him see that if murder and robbery are intrinsically wrong, and not to be made right by decisions of statesmen, that similarly *all* actions must be either right or wrong, apart from the authority of the law; and that if the right and wrong of the law are not in harmony with this intrinsic right and wrong, the law itself is criminal. Some, indeed, among the English think as we do. One of their remarkable men (*not* included in their Assembly of Notables) writes thus :—

"'To ascertain better and better what the will of the Eternal was and is with us, what the laws of the Eternal are, all Parliaments, Ecumenic Councils, Congresses, and other Collective Wisdoms, have had this for their object. . . . . Nevertheless, in the inexplicable universal votings and debatings of these Ages, an idea or rather a dumb presumption to the contrary has gone idly abroad; and at this day, over extensive tracts of the world, poor human beings are to be found, whose practical belief it is that if we "vote" this or that, so this or that will thenceforth *be*. . . . . Practically, men have come to imagine that the Laws of this Universe, like the laws of constitutional countries, are decided by voting. . . . It is an idle fancy. The Laws of this Universe, of which if the Laws of England are not an exact transcript, they should passionately study to become such, are fixed by the everlasting congruity of things, and are not fixable or changeable by voting!'

"But I find that, contemptuously disregarding all such protests, the English legislators persevere in their hyper-atheistic notion, that an Act of Parliament duly enforced by State-officers, will work out any object: no question being

put whether Laws of Nature permit. I forgot to ask whether they considered that different kinds of food could be made wholesome or unwholesome by State-decree.

"One thing that struck me was the curious way in which the members of their House of Commons judge of one another's capacities. Many who expressed opinions of the crudest kinds, or trivial platitudes, or worn-out superstitions, were civilly treated. Follies as great as that but a few years since uttered by one of their ministers, who said that free-trade was contrary to common sense, were received in silence. But I was present when one of their number, who, as I thought, was speaking very rationally, made a mistake in his pronunciation—made what they call a wrong quantity; and immediately there arose a shout of derision. It seemed quite tolerable that a member should know little or nothing about the business he was there to transact; but quite *in*-tolerable that he should be ignorant on a point of no moment.

"The English pique themselves on being especially practical—have a great contempt for theorizers, and profess to be guided exclusively by facts. Before making or altering a law it is the custom to appoint a committee of inquiry, who send for men able to give information concerning the matter in hand, and ask them some thousands of questions. These questions, and the answers given to them, are printed in large books, and distributed among the members of the Houses of Parliament; and I was told that they spent about £100,000 a year in thus collecting and distributing evidence. Nevertheless, it appeared to me that the ministers and representatives of the English people, pertinaciously adhere to theories long ago disproved by the most conspicuous facts. They pay great respect to petty details of evidence, but of large truths they are quite regardless. Thus, the experience of age after age has shown that their state-management is almost invariably bad. The national estates are so miserably administered as often to bring loss

instead of gain. The government ship-yards are uniformly extravagant and inefficient. The judicial system works so ill that most citizens will submit to serious losses rather than run risks of being ruined by law-suits. Countless facts prove the Government to be the worst owner, the worst manufacturer, the worst trader: in fact, the worst manager, be the thing managed what it may. But though the evidence of this is abundant and conclusive—though, during a recent war, the bunglings of officials were as glaring and multitudinous as ever; yet the belief that any proposed duties will be satisfactorily discharged by a new public department appointed to them, seems not a whit the weaker. Legislators, thinking themselves practical, cling to the plausible theory of an officially-regulated society, spite of overwhelming evidence that official regulation perpetually fails.

"Nay, indeed, the belief seems to gain strength among these fact-loving English statesmen, notwithstanding the facts are against it. Proposals for State-control over this and the other, have been of late more rife than ever. And, most remarkable of all, their representative assembly lately listened with grave faces to the assertion, made by one of their high authorities, that State-workshops are more economical than private workshops. Their prime minister, in defending a recently-established arms-factory, actually told them that, at one of their arsenals, certain missiles of war were manufactured not only better than by the trade, but at about one-third the price; and added, '*so it would be in all things.*' The English being a trading people, who must be tolerably familiar with the usual rates of profit among manufacturers, and the margin for possible economy, the fact that they should have got for their chief representative one so utterly in the dark on these matters, struck me as a wonderful result of the representative system.

"I did not inquire much further, for it was manifest that

if these were really their wisest men, the English were not a wise people."

Representative government, then, cannot be called a success, in so far as the choice of men is concerned. Those it puts into power are the fittest neither in respect of their interests, nor their culture, nor their wisdom. And as a consequence, partly of this and partly of its complex and cumbrous nature, representative government is anything but efficient for administrative purposes. In these respects it is manifestly inferior to monarchical government. This has the advantage of simplicity, which is always conducive to efficiency. And it has the further advantage that the power is in the hands of one who is directly concerned in the good management of national affairs; seeing that the continued maintenance of his power—nay, often his very life—depends on this. For his own sake a monarch chooses the wisest councillors he can find, regardless of class-distinctions. His interest in getting the best help is too great to allow of prejudices standing between him and a far-seeing man. We see this abundantly illustrated. Did not the kings of France take Richelieu, and Mazarin, and Turgot to assist them? Had not Henry VIII. his Wolsey, Elizabeth her Burleigh, James his Bacon, Cromwell his Milton? And were not these men of greater calibre than those who hold the reins under our constitutional *régime*? So strong is the motive of an autocrat to make use of ability wherever it exists, that he will, like Louis XI., take even his barber into council if he finds him a clever fellow. Besides choosing them for ministers and advisers, he seeks out the most competent men for other offices. Napoleon raised his marshals from the ranks; and owed his military success in great part to the readiness with which he saw and availed himself of merit wherever found. We have recently seen in Russia how prompt was the recognition and promotion of engineering talent in the case of Todleben; and know to

our cost how greatly the prolonged defence of Sebastopol was due to this. In the marked contrast to these cases supplied by our own army, in which genius is ignored while muffs are honoured—in which wealth and caste make the advance of plebeian merit next to impossible—in which jealousies between Queen's service and Company's service render the best generalship almost unavailable; we see that the representative system fails in the officering of its executive, as much as in the officering of its legislative. A striking antithesis between the actions of the two forms of government, is presented in the evidence given before the Sebastopol Committee respecting the supply of huts to the Crimean army—evidence showing that while, in his negotiations with the English Government, the contractor for the huts met with nothing but vacillation, delay, and official rudeness, the conduct of the French Government was marked by promptitude, decision, sound judgment, and great civility. Everything goes to show that for administrative efficiency, autocratic power is the best. If your aim is a well-organized army—if you want to have sanitary departments, and educational departments, and charity-departments, managed in a business-like way—if you would have society actively regulated by staffs of State-agents; then by all means choose that system of complete centralization which we call despotism.

Probably, notwithstanding the hints dropped at the outset, most have read the foregoing pages with surprise. Very likely some have referred to the cover of the *Review*, to see whether they have not, in mistake, taken up some other than the "*Westminster;*" while some may, perhaps, have accompanied their perusal by a running commentary of epithets condemnatory of our seeming change of principles. Let them not be alarmed. We have not in the least swerved from the confession of faith set forth in our prospectus. On the contrary, as we shall shortly show,

our adhesion to free institutions is as strong as ever—nay, has even gained strength through this apparently antagonistic criticism.

The subordination of a nation to a man, is not a wholesome but a vicious state of things: needful, indeed, for a vicious humanity; but to be outgrown as fast as may be. The instinct which makes it possible is anything but a noble one. Call it "hero-worship," and it looks respectable. Call it what it is—a blind awe and fear of power, no matter of what kind, but more especially of the brutal kind; and it is by no means to be admired. Watch it in early ages deifying the cannibal chief; singing the praises of the successful thief; commemorating the most bloodthirsty warriors; speaking with reverence of those who had shown undying revenge; and erecting altars to such as carried furthest the vices which disgrace humanity; and the illusion disappears. Read how, where it was strongest, it immolated crowds of victims at the tomb of the dead king—how, at the altars raised to its heroes, it habitually sacrificed prisoners and children to satisfy their traditional appetite for human flesh—how it produced that fealty of subjects to rulers which made possible endless aggressions, battles, massacres, and horrors innumerable—how it has mercilessly slain those who would not lick the dust before its idols;—read all this, and the feeling no longer seems so worthy an one. See it in later days idealizing the worst as well as the best monarchs; receiving assassins with acclamation; hurrahing before successful treachery; rushing to applaud the processions and shows and ceremonies wherewith effete power strengthens itself; and it looks far from laudable. Autocracy presupposes inferiority of nature on the part of both ruler and subject: on the one side a cold, unsympathetic sacrificing of other's wills to self-will; on the other side a mean, cowardly abandonment of the claims of manhood. Our very language

bears testimony to this. Do not *dignity, independence,* and other words of approbation, imply a nature at variance with this relation? Are not *tyrannical, arbitrary, despotic,* epithets of reproach? and are not *truckling, fawning, cringing,* epithets of contempt? Is not *slavish* a condemnatory term? Does not *servile,* that is, serf-like, imply littleness, meanness? And has not the word *villain,* which originally meant bondsman, come to signify everything which is hateful? That language should thus inadvertently embody dislike for those who most display the instinct of subordination, is alone sufficient proof that this instinct is associated with evil dispositions. It has been the parent of countless crimes. It is answerable for the torturing and murder of the noble-minded who would not submit—for the horrors of Bastiles and Siberias. It has ever been the represser of knowledge, of free thought, of true progress. In all times it has fostered the vices of courts, and made those vices fashionable throughout nations. With a George IV. on the throne, it weekly tells ten thousand lies, in the shape of prayers for a "most religious and gracious king." Whether you read the annals of the far past—whether you look at the various uncivilized races dispersed over the globe—or whether you contrast the existing nations of Europe; you equally find that submission to authority decreases as morality and intelligence increase. From ancient warrior-worship down to modern flunkeyism, the sentiment has ever been strongest where human nature has been vilest.

This relation between barbarism and loyalty, is one of those beneficent arrangements which "the servant and interpreter of nature" everywhere meets with. The subordination of many to one, is a form of society needful for men so long as their natures are savage, or anti-social; and that it may be maintained, it is needful that they should have an extreme awe of the one. Just in proportion

as their conduct to one another is such as to breed perpetual antagonism, endangering social union; just in that proportion must there be a reverence for the strong, determined, cruel ruler, who alone can repress their explosive natures and keep them from mutual destruction. Among such a people any form of free government is an impossibility. There must be a despotism as stern as the people are savage; and, that such a despotism may exist, there must be a superstitious worship of the despot. But as fast as the discipline of social life modifies character—as fast as, through lack of use, the old predatory instincts dwindle—as fast as the sympathetic feelings grow; so fast does this hard rule become less necessary; so fast does the authority of the ruler diminish; so fast does the awe of him disappear. From being originally god, or demi-god, he comes at length to be a very ordinary person; liable to be criticized, ridiculed, caricatured. Various influences conspire to this result. Accumulating knowledge gradually divests the ruler of those supernatural attributes at first ascribed to him. The conceptions which developing science gives of the grandeur of creation, as well as the constancy and irresistibleness of its Omnipresent Cause, make all feel the comparative littleness of human power; and the awe once felt for the great man is, by degrees, transferred to that Universe of which the great man is seen to form but an insignificant part. Increase of population, with its average per-centage of great men, involves the comparative frequency of such; and the more numerous they are the less respect can be given to each: they dwarf one another. As society becomes settled and organized, its welfare and progress become more and more independent of any one. In a primitive society the death of a chief may alter the whole course of things; but in a society like ours, things go on much as before, no matter who dies. Thus, many influences combine to diminish autocratic power, whether political or other. It is true,

not only in the sense in which Tennyson writes it, but also in a higher sense, that—

> . . . "the individual withers, and the world is more and more."

Further, it is to be noted that while the unlimited authority of the greatest man ceases to be needful; and while the superstitious awe which upholds that unlimited authority decreases; it at the same time becomes impossible to get the greatest man to the top. In a rude social state, where might is right, where war is the business of life, where the qualities required in the ruler, alike for controlling his subjects and defeating his enemies, are bodily strength, courage, cunning, will, it is easy to pick out the best; or rather—he picks himself out. The qualities which make him the fittest governor for the barbarians around him, are the qualities by which he gets the mastery over them. But in an advanced, complex, and comparatively peaceful state like ours, these are not the qualities needed; and even were they needed, the firmly-organized arrangements of society do not allow the possessor of them to break through to the top. For the rule of a settled, civilized community, the characteristics required are—not a love of conquest but a desire for the general happiness; not undying hate of enemies but a calm dispassionate equity; not artful manœuvring but philosophic insight. How is the man most endowed with these to be found? In no country is he ordinarily born heir to the throne; and that he can be chosen out of thirty millions of people none will be foolish enough to think. The incapacity for recognizing the greatest worth, we have already seen illustrated in our parliamentary elections. And if the few thousands forming a constituency cannot pick out from among themselves their wisest man, still less can the millions forming a nation do it. Just as fast as society becomes populous, complex, peaceful; so fast does the political supremacy of the best become impossible.

But even were the relation of autocrat and slave a morally wholesome one; and even were it possible to find the fittest man to be autocrat; we should still contend that such a form of government is bad. We should not contend this simply on the ground that self-government is a valuable educator. But we should take the ground that no human being, however wise and good, is fit to be sole ruler over the doings of an involved society; and that, with the best intentions, a benevolent despot is very likely to produce the most terrible mischiefs which would else have been impossible. We will take the case of all others the most favourable to those who would give supreme power to the best. We will instance Mr. Carlyle's model hero—Cromwell. Doubtless there was much in the manners of the times when Puritanism arose, to justify its disgust. Doubtless the vices and follies bequeathed by effete Catholicism still struggling for existence, were bad enough to create a reactionary asceticism. It is in the order of Nature, however, that men's habits and pleasures are not to be changed suddenly. For any *permanent* effect to be produced it must be produced slowly. Better tastes, higher aspirations, must be developed; not enforced from without. Disaster is sure to result from the withdrawal of lower gratifications before higher ones have taken their places; for gratification of some kind is a condition to healthful existence. Whatever ascetic morality, or rather immorality, may say, pleasures and pains are the incentives and restraints by which Nature keeps her progeny from destruction. No contemptuous title of "pig-philosophy" will alter the eternal fact that Misery is the highway to Death; while Happiness is added Life and the giver of Life. But indignant Puritanism could not see this truth; and with the extravagance of fanaticism sought to abolish pleasure in general. Getting into power, it put down not only questionable amusements but all others along with them. And

for these repressions Cromwell, either as enacting, maintaining, or allowing them, was responsible. What, now, was the result of this attempt to dragoon men into virtue? What came when the strong man who thought he was thus "helping God to mend all," died? A dreadful reaction brought in one of the most degraded periods of our history Into the newly-garnished house entered "seven other spirits more wicked than the first." For generations the English character was lowered. Vice was gloried in, virtue was ridiculed; dramatists made marriage the stock-subject of laughter; profaneness and obscenity flourished; high aspirations ceased; the whole age was corrupt. Not until George III. reigned was there a better standard of living. And for this century of demoralization we have, in great measure, to thank Cromwell. Is it, then, so clear that the domination of one man, righteous though he may be, is a blessing?

Lastly, it is to be remarked that when the political supremacy of the greatest no longer exists in an overt form, it still continues in a disguised and more beneficent form. For is it not manifest that in these latter days the wise man eventually gets his edicts enforced by others, if not by himself. Adam Smith, from his chimney-corner, dictated greater changes than prime ministers do. A General Thompson who forges the weapons with which the Anti-Corn-Law battle is fought—a Cobden and a Bright who add to and wield them, forward civilization much more than those who hold sceptres. Repugnant as the fact may be to statesmen, it is yet one not to be gainsayed. Whoever, to the great effects already produced by Free-trade, joins the far greater effects which will be hereafter produced, must see that the revolution initiated by these men is far wider than has been initiated by any potentate of modern times. As Mr. Carlyle very well knows, those who elaborate new truths and teach them to their fellows, are now-

a-days the real rulers—"the unacknowledged legislators"—the virtual kings. Thus we have the good which great men can do us, while we are saved from the evil.

No; the old *régime* has passed away. For ourselves at least, the subordination of the many to the one has become alike needless, repugnant, and impossible. Good for its time, bad for ours, the ancient "hero-worship" is dead; and happily no declamations, be they never so eloquent, can revive it.

Here seem to be two irreconcileable positions—two mutually-destructive arguments. First, a condemnatory criticism on representative government, and then a still more condemnatory criticism on monarchical government: each apparently abolishing the other.

Nevertheless, the paradox is easily explicable. It is quite possible to say all that we have said concerning the defects of representative government, and still to hold that it is the best form of government. Nay, it is quite possible to derive a more profound conviction of its superiority from the very evidence which appears so unfavourable to it.

For nothing that we have urged tells against its goodness as a means of securing justice between man and man, or class and class. Abundant evidence shows that the maintenance of equitable relations among its subjects, which forms the essential business of a ruling power, is surest when the ruling power is of popular origin; notwithstanding the defects to which such a ruling power is liable. For discharging the true function of a government, representative government is shown to be the best, alike by its *origin*, its *theory*, and its *results*. Let us glance at the facts under these three heads.

Alike in Spain, in England, and in France, popular power embodied itself as a check upon kingly tyranny, that is—kingly injustice. The earliest accounts we have of the Spanish Cortes, say that it was their office to advise

the King; and to follow their advice was his duty. They petitioned, remonstrated, complained of grievances, and supplicated for redress. The King, having acceded to their requirements, swore to observe them; and it was agreed that any act of his in contravention of the statutes thus established, should be "respected as the King's commands, but not executed, as contrary to the rights and privileges of the subject." In all which we see very clearly that the special aim of the Cortes was to get rectified the injustices committed by the King or others; that the King was in the habit of breaking the promises of amendment he made to them; and that they had to adopt measures to enforce the fulfilment of his promises. In England we trace analogous facts. The Barons who bridled the tyranny of King John, though not formally appointed, were virtually impromptu representatives of the nation; and in their demand that justice should neither be sold, denied, nor delayed, we discern the social evils which led to this taking of the power into their own hands. In early times the knights and burgesses, summoned by the King with the view of getting supplies from them, had for their especial business to obtain from him the redress of grievances, that is—the execution of justice; and in their eventually-obtained and occasionally-exercised power of withholding supplies until justice was granted, we see both the need there was for remedying the iniquities of autocracy, and the adaptation of representative institutions to this end. And the further development of popular power latterly obtained, originated from the demand for fairer laws—for less class-privilege, class-exemption, class-injustice: a fact which the speeches of the Reform-Bill agitation abundantly prove. In France, again, representative government grew into a definite form under the stimulus of unbearable oppression. When the accumulated extortion of centuries had reduced the mass of the people to misery—when millions of haggard faces were seen throughout the

land—when starving complainants were hanged on "a gallows forty feet high"—when the exactions and cruelties of good-for-nothing kings and vampire-nobles had brought the nation to the eve of dissolution; there came, as a remedy, an assembly of men elected by the people.

That, considered *a priori*, representative government is fitted for establishing just laws, is implied by the unanimity with which Spanish, English, and French availed themselves of it to this end; as well as by the endeavours latterly made by other European nations to do the like. The *rationale* of the matter is simple enough. Manifestly, on the average of cases, a man will protect his own interests more solicitously than others will protect them for him. Manifestly, where regulations have to be made affecting the interests of several men, they are most likely to be equitably made when all those concerned are present, and have equal shares in the making of them. And manifestly, where those concerned are so numerous and so dispersed, that it is physically impossible for them all to take part in the framing of such regulations, the next best thing is for the citizens in each locality to appoint one of their number to speak for them, to care for their claims, to be their representative. The general principle is that the welfare of all will be most secure when each looks after his own welfare; and the principle is carried out as directly as the circumstances permit. It is inferable, alike from human nature and from history, that a single man cannot be trusted with the interests of a nation of men, where his real or imagined interests clash with theirs. It is similarly inferable from human nature and from history, that no small section of a nation, as the nobles, can be expected to consult the welfare of the people at large in preference to their own. And it is further inferable that only in a general diffusion of political power, is there a safeguard for the general welfare. This has all along been the conviction under which representative government has been advocated, main-

tained, and extended. From the early writs summoning the members of the House of Commons—writs which declared it to be a most equitable rule that the laws which concerned all should be approved of by all—down to the reasons now urged by the unenfranchised for a participation in political power, this is the implied theory. Observe, nothing is said about wisdom or administrative ability. From the beginning, the end in view has been *justice*. Whether we consider the question in the abstract, or whether we examine the opinions men have entertained upon it from old times down to the present day, we equally see the theory of representative government to be, that it is the best means of insuring equitable social relations.

And do not the results justify the theory? Did not our early Parliaments, after long-continued struggles, succeed in curbing the licentious exercise of royal power, and in establishing the rights of the subject? Are not the comparative security and justice enjoyed under our form of government, indicated by the envy with which other nations regard it? Was not the election of the French Constituent Assembly followed by the sweeping away of the grievous burdens that weighed down the people—by the abolition of tithes, seignorial dues, gabelle, excessive preservation of game—by the withdrawal of numerous feudal privileges and immunities—by the manumission of the slaves in the French colonies? And has not that extension of our own electoral system embodied in the Reform-Bill, brought about more equitable arrangements?—as witness the repeal of the Corn-Laws, and the equalization of probate and legacy duties. The proofs are undeniable. It is clear, both *a priori* and *a posteriori*, that representative government is especially adapted for the establishment and maintenance of just laws.

And now mark that the objections to representative government awhile since urged, scarcely tell against it at all, so long as it does not exceed this comparatively limited

function. Though its mediocrity of intellect makes it incompetent to oversee and regulate the countless involved processes which make up the national life; it nevertheless has quite enough intellect to enact and enforce those simple principles of equity which underlie the right conduct of citizens to one another. These are such that the commonest minds can understand their chief applications. Stupid as may be the average elector, he can see the propriety of such regulations as shall prevent men from murdering and robbing; he can understand the fitness of laws which enforce the payment of debts; he can perceive the need of measures to prevent the strong from tyrannizing over the weak; and he can feel the rectitude of a judicial system that is the same for rich and poor. The average representative may be but of small capacity, but he is competent, under the leadership of his wiser fellows, to devise appliances for carrying out these necessary restraints; or rather—he is competent to uphold the set of appliances slowly elaborated by the many generations of his predecessors, and to do something towards improving and extending them in those directions where the need is most manifest. It is true that even these small demands upon electoral and senatorial wisdom are but imperfectly met. But though constituencies are blind to the palpable truth that if they would escape laws which favour the nobility at the expense of the commonalty, they must cease to choose representatives from among the nobility; yet when the injustice of this class-legislation is glaring—as in the case of the Corn-Laws—they have sense enough to use means for getting it abolished. And though most legislators have not sufficient penetration to perceive that the greater part of the evils which they attempt to cure by official inspection and regulation, would disappear were there a certain, prompt, and cheap administration of justice; yet the County-Courts-Act and other recent law-reforms, show that they do eventually recognize the importance of more efficient

judicial arrangements. While, therefore, the lower average of intelligence which necessarily characterizes representative government, unfits it for discharging the complex business of regulating the entire national life; it does not unfit it for discharging the comparatively simple duties of protector. Again, in respect of this all-essential function of a government, there is a much clearer identity of interest between representative and citizen, than in respect of the multitudinous other functions which governments undertake. Though it is generally of but little consequence to the member of Parliament whether state-teachers, state-preachers, state-officers of health, state-dispensers of charity, etc., do their work well, it is of great consequence to him that life and property should be secure; and hence he is more likely to care for the efficient administration of justice than for the efficient administration of anything else. Moreover, the complexity, incongruity of parts, and general cumbrousness which deprive a representative government of that activity and decision required for paternally-superintending the affairs of thirty millions of citizens; do not deprive it of the ability to establish and maintain the regulations by which these citizens are prevented from trespassing against one another. For the principles of equity are permanent as well as simple; and once having been legally embodied in their chief outlines, all that devolves on a government is to develop them more perfectly, and improve the appliances for enforcing them: an undertaking for which the slow and involved action of a representative government does not unfit it. So that while by its origin, theory, and results, representative government is shown to be the best for securing justice between class and class, as well as between man and man, the objections which so strongly tell against it in all its other relations to society, do not tell against it in this fundamental relation.

Thus, then, we reach the solution of the paradox. Here is the reconciliation between the two seemingly-contradictory

positions awhile since taken. To the question—What is representative government good for? our reply is—It is good, especially good, good above all others, for doing the thing which a government should do. It is bad, especially bad, bad above all others, for doing the things which a government should not do.

One point remains. We said, some distance back, that not only may representative government be the best, notwithstanding its many conspicuous deficiencies; but that it is even possible to discern in these very deficiencies further proofs of its superiority. The conclusion just arrived at, implying, as it does, that these deficiencies tend to hinder it from doing the things which no government should do, has already furnished a key to this strange-looking assertion. But it will be well here to make a more specific justification of it. This brings us to the pure science of the matter.

The ever-increasing complexity which characterizes advancing societies, is a complexity that results from the multiplication of different parts performing different duties. The doctrine of the division of labour is now-a-days understood by most to some extent; and most know that by this division of labour each operative, each manufacturer, each town, each district, is constantly more and more restricted to one kind of work. Those who study the organization of living bodies find the uniform process of development to be, that each organ gradually acquires a definite and limited function: there arises, step by step, a more perfect "physiological division of labour." And in an article on "Progress: its Law and Cause," published in our April number, we pointed out that this increasing specialization of functions which goes on in all organized bodies, social as well as individual, is one of the manifestations of a still more general process pervading creation, inorganic as well as organic.

Now this specialization of functions, which is the law of

all organization, has a twofold implication. At the same time that each part grows adapted to the particular duty it has to discharge, it grows unadapted to all other duties. The becoming especially fit for one thing, is a becoming less fit than before for everything else. We have not space here to exemplify this truth. Any modern work on physiology, however, will furnish the reader with abundant illustrations of it, as exhibited in the evolution of living creatures; and as exhibited in the evolution of societies, it may be studied in the writings of political economists. All which we wish here to point out is, that the governmental part of the body politic exemplifies this truth equally with its other parts. In virtue of this universal law, a government cannot gain ability to perform its special work without losing such ability as it had to perform other work.

This then is, as we say, the pure science of the matter. The original and essential office of a government is that of protecting its subjects against aggression external and internal. In low, undeveloped forms of society, where yet there is but little differentiation of parts, and little specialization of functions, this essential work, discharged with extreme imperfection, is joined with endless other work: the government has a controlling action over all conduct, individual and social—regulates dress, food, ablutions, prices, trade, religion—exercises unbounded power. In becoming so constituted as to discharge better its essential function, the government becomes more limited alike in the power and the habit of doing other things. Increasing ability to perform its true duty, involves decreasing ability to perform all other kinds of actions. And this conclusion, deducible from the universal law of organization, is the conclusion to which inductive reasoning has already led us. We have seen that, whether considered in theory or practice, representative government is the best for securing justice. We have also seen that, whether

considered in theory or practice, it is the worst for all other purposes. And here we find that this last characteristic is a necessary accompaniment of the first. These various incapacities, which seem to tell so seriously against the goodness of representative government, are but the inevitable consequences of its more complete adaptation to its proper work; and, so understood, are themselves indications that it is the form of government natural to a more highly-organized and advanced social state.

We do not expect this consideration to weigh much with those whom it most concerns. Truths of so abstract a character find no favour with senates. The metamorphosis we have described is not mentioned in Ovid. History, as at present written, makes no comments on it. There is nothing about it to be found in blue-books and committee-reports. Neither is it proved by statistics. Evidently, then, it has but small chance of recognition by the "practical" legislator. But to the select few who study the Social Science, properly so called, we commend this general fact as one of the highest significance. Those who know something of the general laws of life, and who perceive that these general laws of life underlie all social phenomena, will see that this dual change in the character of advanced governments, involves an answer to the first of all political questions. They will see that this specialization in virtue of which an advanced government gains power to perform one function, while it loses power to perform others, clearly indicates the true limitations of State-duty. They will see that, even leaving out all other evidence, this fact alone shows conclusively what is the proper sphere of legislation.

## STATE-TAMPERINGS WITH MONEY AND BANKS.

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Among unmitigated rogues, mutual trust is impossible. Among people of absolute integrity, mutual trust would be unlimited. These are truisms. Given a nation made up of liars and thieves, and all trade among its members must be carried on either by barter or by a currency of intrinsic value: nothing in the shape of *promises*-to-pay can pass in place of *actual* payments; for, by the hypothesis, such promises being never fulfilled, will not be taken. On the other hand, given a nation of perfectly honest men—men as careful of others' rights as of their own—and nearly all trade among its members may be carried on by memoranda of debts and claims, eventually written off against one another in the books of bankers; seeing that as, by the hypothesis, no man will ever issue more memoranda of debts than his goods and his claims will liquidate, his paper will pass current for whatever it represents. Coin will be needed only as a measure of value, and to facilitate those small transactions for which it is physically the most convenient. These we take to be self-evident truths.

From them follows the corollary that in a nation neither wholly honest nor wholly dishonest, there may, and eventually will, be established a mixed currency—a currency

partly of intrinsic value and partly of credit-value. The ratio between the quantities of these two kinds of currency, will be determined by a combination of several causes.

Supposing that there is no legislative meddling to disturb the natural balance, it is clear from what has already been said, that, fundamentally, the proportion of coin to paper will depend on the average conscientiousness of the people. Daily experience must ever be teaching each citizen, which other citizens he can put confidence in, and which not. Daily experience must also ever be teaching him how far this confidence may be carried. From personal experiment, and from current opinion, which results from the experiments of others, every one must learn, more or less truly, what credit may safely be given. If all find that their neighbours are little to be trusted, but few promises-to-pay will circulate. And the circulation of promises-to-pay will be great, if all find that the fulfilment of trading engagements is tolerably certain. The degree of *honesty* characterizing a community, being the first regulator of a credit-currency; the second is the degree of *prudence*. Other things equal, it is manifest that among a sanguine, speculative people, promissory payments will be taken more readily, and will therefore circulate more largely, than among a cautious people. Two men having exactly the same experiences of mercantile risks will, under the same circumstances, respectively give credit and refuse it, if they are respectively rash and circumspect. And two nations thus contrasted in prudence, will be similarly contrasted in the relative quantities of notes and bills in circulation among them. Nay, they will be more than similarly contrasted in this respect; seeing that the prevailing incautiousness, besides making each citizen unduly ready to give credit, will also produce in him an undue readiness to risk his own capital in speculations, and a consequent undue demand for credit from other citizens. There will be both an increased pressure for credit and a diminished resistance; and therefore a more

than proportionate excess of paper-currency. Of this national characteristic and its consequences, we have a conspicuous example in the United States.

To these comparatively permanent moral causes, on which the ordinary ratio of hypothetical to real money in a community depends, have to be added certain temporary moral and physical causes, which produce temporary variations in the ratio. The prudence of any people is liable to more or less fluctuation. In railway-manias and the like, we see that irrational expectations may spread through a whole nation, and lead its members to give and take credit almost recklessly. But the chief causes of temporary variations are those which directly affect the quantity of available capital. Wars, deficient harvests, or losses consequent on the misfortunes of other nations, will, by impoverishing the community, inevitably lead to an increase in the ratio of *promissory payments* to *actual payments*. For what must be done by the citizen disabled by such causes from meeting his engagements?—the shopkeeper whose custom has fallen off in consequence of the high price of bread; or the manufacturer whose goods lie in his ware-rooms unsaleable; or the merchant whose foreign correspondents fail him? As the proceeds of his business do not suffice to liquidate the claims on him that are falling due, he is compelled either to find other means of liquidating them, or to stop payment. Rather than stop payment, he will, of course, make temporary sacrifices—will give high terms to whoever will furnish him with the desired means. If, by depositing securities with his banker, he can get a loan at an advanced rate of interest, well. If not, by offering an adequate temptation, he may mortgage his property to some one having good credit; who either gives bills, or draws on his banker for the sum agreed to. In either case, extra promises to pay are issued; or, if the difficulty is met by accommodation-bills, the same result follows. And in proportion to the number of citizens obliged to resort to one

or other of these expedients, must be the increase of promissory payments in circulation.

Reduce this proposition to its most general terms, and it becomes self-evident. Thus:—All bank-notes, cheques, bills of exchange, etc., are so many *memoranda of claims*. No matter what may be the technical distinctions among them, on which upholders of the "currency principle" seek to establish their dogma, they all come within this definition. Under the ordinary state of things, the amount of available wealth in the hands, or at the command, of those concerned, suffices to meet these claims as they are severally presented for payment; and they are paid either by equivalents of intrinsic value, as coin, or by giving in place of them other memoranda of claims on some body of undoubted solvency. But now let the amount of available wealth in the hands of the community be greatly diminished. Suppose a large portion of the necessaries of life, or of coin, which is the most exchangeable equivalent of such necessaries, has been sent abroad to support an army, or to subsidize foreign states; or, suppose that there has been a failure in the crops of grain or potatoes. What follows? It follows that part of the claims cannot be liquidated. And what must happen from their non-liquidation? It must happen that those unable to liquidate them will either fail, or they will redeem them by directly or indirectly giving in exchange certain memoranda of claims on their stock-in-trade, houses, or land. That is, such of these claims as the deficient *floating* capital does not suffice to meet, are replaced by claims on *fixed* capital. The memoranda of claims which should have *dis*appeared by liquidation, *re*appear in a new form; and the quantity of paper-currency is increased. If the war, famine, or other cause of impoverishment, continues, the process is repeated. Those who have no further fixed capital to mortgage, become bankrupt; while those whose fixed capital admits of it, mortgage still further, and still further increase the promissory pay-

ments in circulation. Manifestly, if the members of a community whose annual returns but little more than suffice to meet their annual payments suddenly lose part of their annual returns, they must become proportionately in debt to one another; and the documents expressive of debt must be proportionately multiplied.

This *a priori* conclusion is in perfect harmony with mercantile experience. The last hundred years have furnished repeated illustrations of its truth. After the enormous export of gold in 1795-6 for war-loans to Germany, and to meet bills drawn on the Treasury by British agents abroad; and after large advances made under a moral compulsion by the Bank of England to the Government; there followed an excessive issue of bank-notes. In 1796-7, there were failures of the provincial banks; a panic in London; a run on the nearly-exhausted Bank of England; and a suspension of cash-payments—a State-authorized refusal to redeem promises to pay. In 1800, the further impoverishment consequent on a bad harvest, joined with the legalized inconvertibility of bank-notes, entailed so great a multiplication of them as to cause their depreciation. During the temporary peace of 1802, the country partly recovered itself; and the Bank of England would have liquidated the claims on it had the Government allowed. On the subsequent resumption of war, the phenomenon was repeated; as in later times it has been on each occasion when the community, carried away by irrational hopes, has locked up an undue proportion of its capital in permanent works. Moreover, we have still more conclusive illustrations—illustrations of the sudden cessation of commercial distress and bankruptcy, resulting from a sudden increase of credit-circulation. When, in 1793, there came a general crash, mainly due to an unsafe banking-system which had grown up in the provinces *in consequence* of the Bank of England monopoly—when the pressure, extending to London, became so great as to alarm the Bank-directors and to cause

them suddenly to restrict their issues, thereby producing a frightful multiplication of bankruptcies; the Government (to mitigate an evil indirectly produced by legislation) determined to issue Exchequer-Bills to such as could give adequate security. That is, they allowed hard-pressed citizens to mortgage their fixed capitals for equivalents of State-promises to pay, with which to liquidate the demands on them. The effect was magical. £2,202,000 only of Exchequer-Bills were required. The consciousness that loans could be had, in many cases prevented them from being needed. The panic quickly subsided; and all the loans were very soon repaid. In 1825, again, when the Bank of England, after having intensified a panic by extreme restriction of its issues, suddenly changed its policy, and in four days advanced £5,000,000 notes on all sorts of securities, the panic at once ceased.

And now, mark two important truths. As just implied, those expansions of paper-circulation which naturally take place in times of impoverishment or commercial difficulty, are highly salutary. This issuing of securities for future payment when there does not exist the wherewith for immediate payment, is a means of mitigating national disasters. The process amounts to a postponement of trading-engagements which cannot at once be met. And the alternative questions to be asked respecting it are—Shall all the merchants, manufacturers, shopkeepers, etc., who, by unwise investments, or war, or famine, or great losses abroad, have been in part deprived of the means of meeting the claims upon them, be allowed to mortgage their fixed capital? or, by being debarred from issuing memoranda of claims on their fixed capital, shall they be made bankrupts? On the one hand, if they are permitted to avail themselves of that credit which their fellow-citizens willingly give them on the strength of the proffered securities, most of them will tide over their difficulties; and in virtue of that accumulation of surplus capital ever going on, they will be

able, by-and-by, to liquidate their debts in full. On the other hand, if they are forthwith bankrupted, carrying with them others, and these again others, there follows a disastrous loss to all the creditors: property to an immense amount being peremptorily sold at a time when there can be comparatively few able to buy, must go at a great sacrifice; and those who in a year or two would have been paid in full, must be content with 10*s.* in the pound. Added to which evil comes the still greater one—an extensive damage to the organization of society. Numerous importing, producing, and distributing establishments are swept away; tens of thousands of their dependents are left without work; and before the industrial fabric can be repaired, a long time must elapse, much labour must lie idle, and great distress be borne. Between these alternatives, who, then, can pause? Let this spontaneous remedial process follow its own course, and the evil will either be in great measure eventually escaped, or will be spread little by little over a considerable period. Stop this remedial process, and the whole evil, falling at once on society, will bring wide-spread ruin and misery.

The second of these important truths is, that an expanded circulation of promises to pay, caused by absolute or relative impoverishment, contracts to its normal limits as fast as the need for expansion disappears. For the conditions of the case imply that all who have mortgaged their fixed capitals to obtain the means of meeting their engagements, have done so on unfavourable terms; and are therefore under a strong stimulus to pay off their mortgages as quickly as possible. Every one who, at a time of commercial pressure, gets a loan from a bank, has to give high interest. Hence, as fast as prosperity returns, and his profits accumulate, he gladly escapes this heavy tax by repaying the loan; in doing which he, directly or indirectly, takes back to the bank as large a number of its credit documents as he originally received, and so diminishes the

credit-circulation as much as his original transaction had increased it. Considered apart from technical distinctions, a banker performs, in such case, the function of an agent in whose name traders issue negotiable memoranda of claims on their estates. The agent is already known to the public as one who issues memoranda of claims on capital that is partly floating and partly fixed—memoranda of claims that have an established character, and are convenient in their amounts. What the agent does under the circumstances specified, is to issue more such memoranda of claims, on the security of more fixed, and partially-fixed, capital put in his possession. His clients hypothecate their estates through the banker, instead of doing it in their own names, simply because of the facilities which he has and which they have not. And as the banker requires to be paid for his agency and his risk, his clients redeem their estates, and close these special transactions with him, as quickly as they can : thereby diminishing the amount of credit-currency.

Thus we see that the balance of a mixed currency of voluntary origin is, under all circumstances, self-adjusting. Supposing considerations of physical convenience out of the question, the average ratio of paper to coin is primarily dependent on the average trustworthiness of the people, and secondarily dependent on their average prudence. When, in consequence of unusual prosperity, there is an unusual increase in the number of mercantile transactions, there is a corresponding increase in the quantity of currency, both metallic and paper, to meet the requirement. And when from war, famine, or over-investment, the available wealth in the hands of citizens is insufficient to pay their debts to one another, the memoranda of debts in circulation acquire an increased ratio to the quantity of gold : to decrease again as fast as the excess of debts can be liquidated.

That these self-regulating processes act but imperfectly, is doubtless true. With an imperfect humanity, they cannot

act otherwise than imperfectly. People who are dishonest, or rash, or stupid, will inevitably suffer the penalties of dishonesty, or rashness, or stupidity. If any think that by some patent legislative mechanism, a society of bad citizens can be made to work together as well as a society of good ones, we shall not take pains to show them the contrary. If any think that the dealings of men deficient in uprightness and foresight, may be so regulated by cunningly-devised Acts of Parliament as to secure the effects of uprightness and foresight, we have nothing to say to them. Or if there are any (and we fear there are numbers) who think that in times of commercial difficulty, resulting from impoverishment or other natural causes, the evil can be staved-off by some ministerial sleight of hand, we despair of convincing them that the thing is impossible. See it or not, the truth is that the State can do none of these things. As we shall show, the State can, and sometimes does, *produce* commercial disasters. As we shall also show, it can, and sometimes does, *exacerbate* the commercial disasters otherwise produced. But while it can create and can make worse, it cannot prevent.

All which the State has to do in the matter is to discharge its ordinary office—to administer justice. The enforcement of contracts is one of the functions included in its general function of maintaining the rights of citizens. And among other contracts which it is called on to enforce, are the contracts expressed in credit-documents—bills of exchange, cheques, bank-notes. If any one issues a promise-to-pay, either on demand or at specified date, and does not fulfil that promise, the State, when appealed to by the creditor, is bound in its protective capacity to obtain fulfilment of the promise, at whatever cost to the debtor, or such partial fulfilment of it as his effects suffice for. The State's duty in the case of the currency, as in other cases, is sternly to threaten the penalty of bankruptcy on all who make engagements which they cannot meet, and sternly to inflict the

penalty when called on by those aggrieved. If it falls short of this, mischief ensues. If it exceeds this, mischief ensues. Let us glance at the facts.

Had we space to trace in detail the history of the Bank of England—to show how the privileges contained in its first charter were bribes given by a distressed Government in want of a large loan—how, soon afterwards, the law which forbad a partnership of more than six persons from becoming bankers, was passed to prevent the issue of notes by the South-Sea Company, and so to preserve the Bank-monopoly—how the continuance of State-favours to the Bank, corresponded with the continuance of the Bank's claims on the State; we should see that, from the first, banking-legislation has been an organized injustice. But passing over earlier periods, let us begin with the events that closed the last century. Our rulers of that day had entered into a war—whether with adequate reason needs not here be discussed. They had lent vast sums in gold to their allies. They had demanded large advances from the Bank of England, which the Bank durst not refuse. They had thus necessitated an excessive issue of notes by the Bank. That is, they had so greatly diminished the floating capital of the community, that engagements could not be met; and an immense number of promises-to-pay took the place of actual payments. Soon after, the fulfilment of these promises became so difficult that it was forbidden by law; that is, cash-payments were suspended. Now for these results—for the national impoverishment and consequent abnormal condition of the currency, the State was responsible. How much of the blame lay with the governing classes and how much with the nation at large, we do not pretend to say. What it concerns us here to note is, that the calamity arose from the acts of the ruling power. When, again, in 1802, after a short peace, the available capital of the community had so far increased that the redemption of promises-to-pay became

possible, and the Bank of England was anxious to begin redeeming them, the legislature interposed its veto; and so continued the evils of an inconvertible paper-currency after they would naturally have ceased. Still more disastrous, however, were the results that by-and-by ensued from State-meddlings. Cash-payments having been suspended—the Government, instead of enforcing all contracts, having temporarily cancelled a great part of them, by saying to every banker, "You shall not be called on to liquidate in coin the promises-to-pay which you issue;" the natural checks to the multiplication of promises-to-pay, disappeared. What followed? Banks being no longer required to cash their notes in coin; and easily obtaining from the Bank of England, supplies of its notes in exchange for fixed securities; were ready to make advances to almost any extent. Not being obliged to raise their rate of discount in consequence of the diminution of their available capital; and reaping a profit by every loan (of notes) made on fixed capital; there arose both an abnormal facility of borrowing, and an abnormal desire to lend. Thus were fostered the wild speculations of 1809—speculations that were not only thus fostered, but were in great measure *caused* by the previous over-issue of notes; which, by further exaggerating the natural rise of prices, increased the apparent profitableness of investments. And all this, be it remembered, took place at a time when there should have been rigid economy —at a time of impoverishment consequent on continued war—at a time when, but for law-produced illusions, there would have been commercial straitness and a corresponding carefulness. Just when its indebtedness was unusually great, the community was induced still further to increase its indebtedness. Clearly, then, the progressive accumulation and depreciation of promises-to-pay, and the commercial disasters which finally resulted from it in 1814-15-16, when ninety provincial banks were broken and more dissolved, were State-produced evils: partly due to

a war which, whether necessary or not, was carried on by the Government, and greatly exacerbated by the currency-regulations which that Government had made.

Before passing to more recent facts, let us parenthetically notice the similarly-caused degradation of the currency which had previously arisen in Ireland. When examined by a parliamentary committee in 1804, Mr. Colville, one of the directors of the Bank of Ireland, stated that before the passing of the Irish Bank-Restriction-Bill (the bill by which cash-payments were suspended) the directors habitually met any unusual demand for gold by diminishing their issues. That is to say, in the ordinary course of business, they raised their rate of discount whenever the demand enabled them; and so, both increased their profits and warded-off the danger of bankruptcy. During this unregulated period their note-circulation was between £600,000 and £700,000. But as soon as they were guaranteed by law against the danger of bankruptcy, their circulation began rapidly to increase; and very soon reached £3,000,000. The results, as proved before the committee, were these:—The exchange with England became greatly depressed; nearly all the good specie was exported to England; it was replaced in Dublin (where small notes could not be issued) by a base coinage, adulterated to the extent of fifty per cent.; and elsewhere it was replaced by notes payable at twenty-one days' date, issued by all sorts of persons, for sums down even as low as sixpence. And this excessive multiplication of small notes was *necessitated* by the impossibility of otherwise carrying on retail trade, after the disappearance of the silver coinage. For these disastrous effects, then, legislation was responsible. The swarms of "silver-notes" resulted from the exportation of silver; the exportation of silver was due to the great depression of the exchange with England; this great depression arose from the excessive issue of notes by the Bank of Ireland; and this

excessive issue followed from their legalized inconvertibility. Yet, though these facts were long ago established by a committee of the House of Commons, the defenders of the "currency-principle" are actually blind enough to cite this multiplication of sixpenny promises-to-pay, *as proving the evils of an unregulated currency!*

Returning now to the case of the Bank of England, let us pass at once to the Act of 1844. While still a protectionist—while still a believer in the beneficence of law as a controller of commerce—Sir Robert Peel undertook to stop the recurrence of monetary crises, like those of 1825, 1836, and 1839. Overlooking the truth that, when not *caused* by the meddlings of legislators, a monetary crisis is due, either to an absolute impoverishment, or to a relative impoverishment consequent on speculative over-investment; and that for the bad season, or the imprudence, causing this, there is no remedy; he boldly proclaimed that "*it is better to prevent the paroxysm than to excite it:*" and he brought forward the Bank-Act of 1844 as the means of prevention. How merciless has been Nature's criticism on this remnant of Protectionism, we all know. The monetary sliding-scale has been as great a failure as its prototype. Within three years arose one of these crises which were to have been prevented. Within another ten years has arisen a second of these crises. And on both occasions this intended safeguard has so intensified the evil, that a temporary repeal of it has been imperative.

We should have thought that, even without facts, every one might have seen that it is impossible, by Act of Parliament, to prevent imprudent people from doing imprudent things; and, if facts were needed, we should have thought that our commercial history up to 1844 supplied a sufficiency. But a superstitious faith in State-ordinances disregards such facts. And we doubt not that even now, though there have been two glaring failures of this professed check on over-speculation—though the evidence conclusively

shows that the late commercial catastrophes have had nothing whatever to do with the issue of bank-notes, but, as in the case of the Western Bank of Scotland, occurred along with diminished issues—and though in Hamburg, where the "currency principle" has been rigidly carried out to the very letter, there has been a worse crisis than anywhere else; yet there will remain plenty of believers in the efficiency of Sir R. Peel's prophylactic.

But, as already said, the measure has not only failed; it has made worse the panics it was to have warded-off. And it was sure to do this. As shown at the outset, the multiplication of promises-to-pay that occurs at a period of impoverishment caused by war, famine, over-investment, or losses abroad, is a salutary process of mitigation—is a mode of postponing actual payments till actual payments are possible—is a preventive of wholesale bankruptcy—is a spontaneous act of self-preservation. We pointed out, not only that this is an *a priori* conclusion, but that facts in our own mercantile history illustrate at once the naturalness, the benefits, the necessity of it. And if this conclusion needs enforcing by further evidence, we have it in the recent events at Hamburg. In that city, there are no notes in circulation but such as are represented by actual equivalents of bullion or jewels in the bank: no one is allowed, as with us, to obtain bank-promises-to-pay in return for securities. Hence it resulted that when the Hamburg merchants, lacking their remittances from abroad, were suddenly deprived of the wherewith to meet their engagements; and were prevented by law from getting bank-promises-to-pay by pawning their estates; bankruptcy swept them away wholesale. And what finally happened? To prevent universal ruin, the Government was obliged to decree that all bills of exchange coming due, should have a month's grace; and that there should be immediately formed a State-Discount-Bank—an office for issuing State-promises-to-pay in return for securities. That is, having first by its

restrictive law ruined a host of merchants, the Government was obliged to legalize that postponement of payments which, but for its law, would have spontaneously taken place. With such further confirmation of an *a priori* conclusion, can it be doubted that our late commercial difficulties were intensified by the measure of 1844? Is it not, indeed, notorious in the City, that the progressively-increasing demand for accommodation, was in great part due to the conviction that, in consequence of the Bank-Act, there would shortly be no accommodation at all? Does not every London merchant know that his neighbours who had bills coming due, and who saw that by the time they were due the Bank would discount only at still higher rates, or not at all, decided to lay in beforehand the means of meeting those bills? Is it not an established fact that the hoarding thus induced, not only rendered the pressure on the Bank greater than it would otherwise have been, but, by taking both gold and notes out of circulation, made the Bank's issues temporarily useless to the general public? Did it not happen in this case, as in 1793 and 1825, that when at last restriction was removed, the mere consciousness that loans could be had, itself prevented them from being required? And, indeed, is not the simple fact that the panic quickly subsided when the Act was suspended, sufficient proof that the Act had, in great measure, produced it.

See, then, for what we have to thank legislative meddling. During ordinary times Sir R. Peel's Act, by obliging the Bank of England, and occasionally provincial banks, to keep more gold than they would otherwise have kept (and if it has not done this it has done nothing), has inflicted a tax on the nation to the extent of the interest on such portion of the gold-currency as was in excess of the need: a tax which, in the course of the last thirteen years, has probably amounted to some millions. And then, on the two occasions when there have arisen the crises that were to

have been prevented, the Act, after having intensified the pressure, made bankrupt a great number of respectable firms which would else have stood, and increased the distress not only of the trading but of the working population, has been twice abandoned at the moment when its beneficence was to have been conspicuous. It has been a cost, a mischief, and a failure. Yet such is the prevailing delusion that, judging from appearances, it will be maintained!

"But," ask our opponents, "shall the Bank be allowed to let gold drain out of the country without check? Shall it have permission to let its reserve of gold diminish so greatly as to risk the convertibility of its notes? Shall it be enabled recklessly to increase its issues, and so produce a depreciated paper-currency?"

Really, in these Free-trade days, it seems strange to have to answer questions like these; and, were it not for the confusion of facts and ideas which legislation has produced, it would be inexcusable to ask them.

In the first place, the common notion that the draining of gold out of the country is intrinsically, and in all cases, an evil, is nothing but a political superstition—a superstition in part descended from the antique fallacy that money is the only wealth, and in part from the maxims of an artificial, law-produced state of things, under which the exportation of gold really *was* a sign of a corrupted currency: we mean, during the suspension of cash-payments. Law having cancelled millions of contracts which it was its duty to enforce —law having absolved bankers from liquidating their promises-to-pay in coin, having rendered it needless to keep a stock of coin with which to liquidate them, and having thus taken away that natural check which prevents the over-issue and depreciation of notes—law having partly suspended that *home* demand for gold which ordinarily competes with and balances the *foreign* demand; there resulted an abnormal exportation of gold. By-and-by it

was seen that this efflux of gold was a consequence of the over-issue of notes; and that the accompanying high price of gold, as paid for in notes, proved the depreciation of notes. And then it became an established doctrine that an adverse state of the foreign exchanges, indicating a drain of gold, was significant of an excessive circulation of notes; and that the issue of notes should be regulated by the state of the exchanges.

This unnatural condition of the currency having continued for a quarter of a century, the concomitant doctrine rooted itself in the general mind. And now mark one of the multitudinous evils of legislative meddling. This artificial test, good only for an artificial state, has survived the return to a natural state; and men's ideas about currency have been reduced by it to chronic confusion.

The truth is that while, during a legalized inconvertibility of bank-notes, an efflux of gold may, and often does, indicate an excessive issue of bank-notes; under ordinary circumstances an efflux of gold has little or nothing to do with the issue of bank-notes, but is determined by merely mercantile causes. And the truth is that far from being an evil, an efflux of gold thus brought about by mercantile causes, is a good. Leaving out of the question, as of course we must, such exportations of gold as take place for the support of armies abroad; the cause of efflux is either an actual plethora of all commodities, gold included, which results in gold being sent out of the country for the purpose of foreign investment; or else an abundance of gold as compared with other leading commodities. And while, in this last case, the efflux of gold indicates some absolute or relative impoverishment of the nation, it is a means of mitigating the bad consequences of that impoverishment. Consider the question as one of political economy, and this truth becomes obvious. Thus:—The nation habitually requires for use and consumption certain quantities of commodities, of which gold is one. These commodities

are severally and collectively liable to fall short; either from deficient harvests, from waste in war, from losses abroad, or from too great a diversion of labour or capital in some special direction. When a scarcity of some chief commodity or necessary occurs, what is the remedy? The commodity of which there is an excess (or if none is in excess, then that which can best be spared) is exported in exchange for an additional supply of the deficient commodity. And, indeed, the whole of our foreign trade, alike in ordinary and extraordinary times, consists in this process. But when it happens either that the commodity which we can best spare is not wanted abroad; or (as recently) that a chief foreign customer is temporarily disabled from buying; or that the commodity which we can best spare is gold; then gold itself is exported in exchange for the thing which we most want. Whatever form the transaction takes, it is nothing but bringing the supplies of various commodities into harmony with the demands for them. The fact that gold is exported, is simply a proof that the need for gold is less than the need for other things. Under such circumstances an efflux of gold will continue, and *ought* to continue, until other things have become relatively so abundant, and gold relatively so scarce, that the demand for gold is equal to other demands. And he who would prevent this process, is about as wise as the miser who, finding his house without food, chooses to starve rather than draw upon his purse.

The second question—"Shall the Bank have permission to let its reserve of gold diminish so greatly as to risk the convertibility of its notes?" is not more profound than the first. It may fitly be answered by the more general question—"Shall the merchant, the manufacturer, or the shopkeeper, be allowed so to invest his capital as to risk the fulfilment of his engagements?" If the answer to the first be "No," it must be "No" to the second. If to the

second it be "Yes," it must be "Yes" to the first. Any one who proposed that the State should oversee the transactions of every trader, so as to insure his ability to cash all demands as they fell due, might with consistency argue that bankers should be under like control. But while no one has the folly to contend for the one, nearly all contend for the other. One would think that the banker acquired, in virtue of his occupation, some abnormal desire to ruin himself—that while traders in other things are restrained by a wholesome dread of bankruptcy, traders in capital have a longing to appear in the *Gazette*, which law alone can prevent them from gratifying! Surely the moral checks which act on other men will act on bankers. And if these moral checks do not suffice to produce perfect security, we have ample proof that no cunning legislative checks will supply their place. The current notion that bankers can, and will, if allowed, issue notes to any extent, is one of the absurdest illusions—an illusion, however, which would never have arisen but for the vicious over-issues induced by law. The truth is that, in the first place, a banker *cannot* increase his issue of notes at will. It has been proved by the unanimous testimony of all bankers who have been examined before successive parliamentary committees, that "the amount of their issues is exclusively regulated by the extent of local dealings and expenditure in their respective districts;" and that any notes issued in excess of the demand are "immediately returned to them." And the truth is, in the second place, that a banker *will not*, on the average of cases, issue more notes than in his judgment it is safe to issue; seeing that if his promises-to-pay in circulation, are much in excess of his available means of paying them, he runs a great risk of having to stop payment—a result of which he has no less a horror than other men. If facts are needed in proof of this, they are furnished by the history of both the Bank of England and the Bank of Ireland; which,

before they were debauched by the State, habitually regulated their issues according to their stock of bullion, and would probably always have been still more careful but for the consciousness that there was the State-credit to fall back upon.

The third question—"Shall the Bank be allowed to issue notes in such numbers as to cause their depreciation?" has, in effect, been answered in answering the first two. There can be no depreciation of notes so long as they are exchangeable for gold on demand. And so long as the State, in discharge of its duty, insists on the fulfilment of contracts, the alternative of bankruptcy must ever be a restraint on such over-issue of notes as endangers that exchangeability. The bugbear of depreciation is one that would have been unknown but for the sins of governments. In the case of America, where there have been occasional depreciations, the sin has been a sin of omission: the State has not enforced the fulfilment of contracts—has not forthwith bankrupted those who failed to cash their notes; and, if accounts are true, has allowed those to be mobbed who brought back far-wandering notes for payment.* In all other cases the sin has been a sin of commission. The depreciated paper-currency in France, during the revolution, was a State-currency. The depreciated paper-currencies of Austria and Russia have been State-currencies. And the only depreciated paper-currency we have known, has been to all intents and purposes a State-currency. It was the State which, in 1795-6, *forced* upon the Bank of England that excessive issue of notes which led to the suspension of cash-payments. It was the State which, in 1802, *forbad* the resumption of cash-payments, when the Bank of England wished to resume them. It was the State which, during a quarter of a century, *maintained* that suspension of cash-payments from which the excessive multiplication and depreciation of notes resulted. The entire corruption

* This was written in 1858; when "greenbacks" were unknown.

was entailed by State-expenditure, and established by State-warrant. Yet now the State affects a virtuous horror of the crime committed at its instigation! Having contrived to shuffle-off the odium on to the shoulders of its tools, the State gravely lectures the banking-community upon its guilt; and with sternest face passes measures to prevent it from sinning!

We contend, then, that neither to restrain the efflux of gold, nor to guard against the over-issue of bank-notes, is legislative interference warranted. If Government will promptly execute the law against all defaulters, the self-interest of bankers and traders will do the rest: such evils as would still result from mercantile dishonesties and imprudences, being evils which legal regulation may augment but cannot prevent. Let the Bank of England, in common with every other bank, simply consult its own safety and its own profits; and there will result just as much check as should be put, on the efflux of gold or the circulation of paper; and the only check that can be put on the doings of speculators. Whatever leads to unusual draughts on the resources of banks, immediately causes a rise in the rate of discount—a rise dictated both by the wish to make increased profits, and the wish to avoid a dangerous decrease of resources. This raised rate of discount prevents the demand from being so great as it would else have been—alike checks undue expansion of the note-circulation; stops speculators from making further engagements; and, if gold is being exported, diminishes the profit of exportation. Successive rises successively increase these effects; until, eventually, none will give the rate of discount asked, save those in peril of stopping payment; the increase of the credit-currency ceases; and the efflux of gold, if it is going on, is arrested by the home-demand out-balancing the foreign demand. And if, in times of great pressure, and under the temptation of high discounts, banks allow their circulation to expand to

a somewhat dangerous extent, the course is justified by the necessities. As shown at the outset, the process is one by which banks, on the deposit of good securities, loan their credit to traders who but for loans would be bankrupt. And that banks should run some risks to save hosts of solvent men from inevitable ruin, few will deny. Moreover, during a crisis which thus runs its natural course, there will really occur that purification of the mercantile world which many think can be effected only by some Act-of-Parliament ordeal. Under the circumstances described, men who have adequate securities to offer will get bank-accommodation; but those who, having traded without capital or beyond their means, have not, will be denied it, and will fail. Under a free system the good will be sifted from the bad; whereas the existing restrictions on bank-accommodation, tend to destroy good and bad together.

Thus it is not true that there need special regulations to prevent the inconvertibility and depreciation of notes. It is not true that, but for legislative supervision, bankers would let gold drain out of the country to an undue extent. It is not true that these "currency theorists" have discovered a place at which the body-politic would bleed to death but for a State-styptic.

What else we have to say on the general question, may best be joined with some commentaries on provincial and joint-stock banking, to which let us now turn.

Government, to preserve the Bank of England-monopoly, having enacted that no partnership exceeding six persons should become bankers; and the Bank of England having refused to establish branches in the provinces; it happened, during the latter half of the last century, when the industrial progress was rapid and banks much needed, that numerous private traders, shopkeepers and others, began to issue notes payable on demand. And when, of the four

hundred small banks which had thus grown up in less than fifty years, a great number gave way under the first pressure—when, on several subsequent occasions, like results occurred—when in Ireland, where the Bank of Ireland-monopoly had been similarly guaranteed, it happened that out of fifty private provincial banks, forty became bankrupt—and when, finally, it grew notorious that in Scotland, where there had been no law limiting the number of partners, a whole century had passed with scarcely a single bank-failure; legislators at once decided to abolish the restriction which had entailed such mischiefs. Having, to use Mr. Mill's words, "actually made the formation of safe banking-establishments a punishable offence"—having, for one hundred and twenty years, maintained a law which first caused great inconvenience and then extensive ruin, time after time repeated—Government, in 1826, conceded the liberty of joint-stock banking: a liberty which the good easy public, not distinguishing between a right done and a wrong undone, regarded as a great boon!

But the liberty was not without conditions. Having previously, in anxiety for its *protégé*, the Bank of England, been reckless of the banking-security of the community at large, the State, like a repentant sinner rushing into asceticism, all at once became extremely solicitous on this point; and determined to put guarantees of its own devising, in place of the natural guarantee of mercantile judgment. To intending bank-shareholders it said—"You shall not unite on such publicly-understood conditions as you think fit, and get such confidence as will naturally come to you on those conditions." And to the public it said—"You shall not put trust in this or that association in proportion as, from the character of its members and constitution, you judge it to be worthy of trust." But to both it said—"You shall the one give, and the other receive, my infallible safeguards."

And now what have been the results? Every one knows

that these safeguards have proved anything but infallible. Every one knows that these banks with State-constitutions have been especially characterized by instability. Every one knows that credulous citizens, with a faith in legislation which endless disappointments fail to diminish, have trusted implicitly in these law-devised securities; and, not exercising their own judgments, have been led into ruinous undertakings. The evils of substituting artificial guarantees for natural ones, which the clear-sighted long ago discerned, have, by the late catastrophes, been made conspicuous to all.

When commencing this article we had intended to dwell on this point. For though the mode of business which brought about these joint-stock-bank failures was, for weeks after their occurrence, time after time clearly described; yet nowhere did we see drawn the obvious corollary. Though in three separate City-articles of *The Times*, it was explained that, "relying upon the ultimate liability of large bodies of infatuated shareholders, the discount houses supply these banks with unlimited means, looking not to the character of the bills sent up, but simply to the security afforded by the Bank endorsement;" yet, in none of them was it pointed out that, but for the law of unlimited liability, this reckless trading would not have gone on. More recently, however, this truth has been duly recognized, alike in Parliament and in the Press; and it is therefore needless further to elucidate it. We will simply add that as, if there had been no law of unlimited liability, the London houses would not have discounted these bad bills; and as, in that case, these provincial joint-stock-banks could not have given these enormous credits to insolvent speculators; and as, if they had not done this, they would not have been ruined; it follows, inevitably, that these joint-stock-bank failures have been *law-produced disasters*.

A measure for further increasing the safety of the provincial public, was that which limited the circulation of provincial bank-notes. At the same time that it established

a sliding-scale for the issues of the Bank of England, the Act of 1844 fixed the maximum circulation of every provincial bank-of-issue; and forbad any further banks-of-issue. We have not space to discuss at length the effects of this restriction; which must have fallen rather hardly on those especially-careful bankers who had, during the twelve weeks preceding the 27th April, 1844, narrowed their issues to meet any incidental contingencies; while it gave a perennial license to such as had been incautious during that period. All which we can notice is, that this rigorous limitation of provincial issues to a low maximum (and a low maximum was purposely fixed) effectually prevents those local expansions of bank-note circulation which, as we have shown, *ought* to take place in periods of commercial difficulty. And further, that by transferring all local demands to the Bank of England, as the only place from which extra accommodation can be had, the tendency is to concentrate a pressure which would else be diffused, and so to create panic.

Saying nothing more, however, respecting the impolicy of the measure, let us mark its futility. As a means of preserving the convertibility of the provincial bank-note, it is useless unless it acts as some safeguard against bank-failures; and that it does not do this is demonstrable. While it diminishes the likelihood of failures caused by over-issue of notes, it increases the likelihood of failures from other causes. For what will be done by a provincial banker whose issues are restricted by the Act of 1844, to a level lower than that to which he would otherwise have let them rise? If he would, but for the law, have issued more notes than he now does—if his reserve is greater than, in his judgment, is needful for the security of his notes; is it not clear that he will simply extend his operations in other directions? Will not the excess of his available capital be to him a warrant either for entering into larger speculations himself, or for allowing his customers to draw on

him beyond the limit he would else have fixed? If, in the absence of restriction, his rashness would have led him to risk bankruptcy by over-issue, will it not now equally lead him to risk bankruptcy by over-banking? And is not the one kind of bankruptcy as fatal to the convertibility of notes as the other?

Nay, the case is even worse. There is reason to believe that bankers are tempted into greater dangers under this protective system. They can and will hypothecate their capital in ways less direct than by notes; and may very likely be led, by the unobtrusiveness of the process, to commit themselves more than they would else do. A trader, applying to his banker in times of commercial difficulty, will often be met by the reply—"I cannot make you any direct advances, having already loaned as much as I can spare; but knowing you to be a safe man I will lend you my name. Here is my acceptance for the sum you require: they will discount it for you in London." Now, as loans thus made do not entail the same immediate responsibilities as when made in notes (seeing that they are neither at once payable, nor do they add to the dangers of a possible run), a banker is under a temptation to extend his liabilities in this way further than he would have done, had not law forced him to discover a new channel through which to give credit.

And does not the evidence that has lately transpired go to show that these roundabout ways of giving credit *do* take the place of the interdicted ways; and that they *are* more dangerous than the interdicted ways? Is it not notorious that dangerous forms of paper-currency have had an unexampled development since the Act of 1844? Do not the newspapers and the debates give daily proofs of this? And is not the process of causation obvious?

Indeed it might have been known, *a priori*, that such a result was sure to take place. It has been shown conclu-

sively that, when uninterfered with, the amount of note-circulation at any given time, is determined by the amount of trade going on—the quantity of payments that are being made. It has been repeatedly testified before committees, that when any local banker contracts his issues, he simply causes an equivalent increase in the issues of neighbouring bankers. And in past times it has been more than once complained, that when from prudential motives the Bank of England withdrew part of its notes, the provincial bankers immediately multiplied their notes to a proportionate extent. Well, is it not manifest that this inverse variation, which holds between one class of bank-notes and another, also holds between bank-notes and other forms of paper-currency? Will it not happen that just as diminishing the note-circulation of one bank, merely adds to the note-circulation of other banks; so, an artificial restriction on the circulation of bank-notes in general, will simply cause an increased circulation of some substituted kind of promise-to-pay? And is not this substituted kind, in virtue of its novelty and irregularity, likely to be a more unsafe kind? See, then, the predicament. Over all the bills of exchange, cheques, etc., which constitute nine-tenths of the paper-currency of the kingdom, the State exercises, and can exercise, no control. And the limit it puts on the remaining tenth vitiates the other nine-tenths, by causing an abnormal growth of new forms of credit, which experience proves to be especially dangerous.

Thus, all which the State does when it exceeds its true duty is to hinder, to disturb, to corrupt. As already pointed out, the quantity of credit men will give each other, is determined by natural causes, moral and physical—their average characters, their temporary states of feeling, their circumstances. If the Government forbids one mode of giving credit, they will find another, and probably a worse. Be the degree of mutual trust prudent

or imprudent, it must take its course. The attempt to restrict it by law is nothing but a repetition of the old story of keeping out the sea with a fork.

And now mark that were it not for these worse than futile State-safeguards, there might grow up certain natural safeguards, which would really put a check on undue credit and abnormal speculation. Were it not for the attempts to insure security by law, it is very possible that, under our high-pressure system of business, banks would compete with each other in respect of the degree of security they offered —would endeavour to outdo each other in the obtainment of a legitimate public confidence. Consider the position of a new joint-stock-bank with limited liability, and unchecked by legal regulations. It can do nothing until it has gained the general good opinion. In the way of this there stand great difficulties. Its constitution is untried, and is sure to be looked upon by the trading world with considerable distrust. The field is already occupied by old banks with established connexions and reputations. Out of a constituency satisfied with the present accommodation, it has to obtain supporters for a system which is apparently less safe than the old. How shall it do this? Evidently it must find some unusual mode of assuring the community of its trustworthiness. And out of a number of new banks so circumstanced, it is not too much to suppose that ultimately one would hit on some mode. It might be, for instance, that such a bank would give to all who held deposits over £1000 the liberty of inspecting its books—of ascertaining from time to time its liabilities and its investments. Already this plan is frequently adopted by private traders, as a means of assuring those who lend money to them; and this extension of it might naturally take place under the pressure of competition. We have put the question to a gentleman who has had long and successful experience, as manager of a joint-stock-bank, and his reply is, that some such course would very probably be adopted: adding that,

under this arrangement, a depositor would practically become a partner with limited liability.

Were a system of this kind to establish itself, it would form a double check to unhealthy trading. Consciousness that its rashness would become known to its chief clients, would prevent the bank-management from being rash; and consciousness that his credit would be damaged when his large debt to the bank was whispered, would prevent the speculator from contracting so large a debt. Both lender and borrower would be restrained from reckless enterprize. Very little inspection would suffice to effect this end. One or two cautious depositors would be enough; seeing that the mere expectation of immediate disclosure, in case of misconduct, would mostly keep in order all those concerned.

Should it however be contended, as by some it may, that this safeguard would be of no avail—should it be alleged that, having in their own hands the means of safety, citizens would not use them, but would still put blind faith in directors, and give unlimited trust to respectable names; then we reply that they would deserve whatever bad consequences fell on them. If they did not take advantage of the proffered guarantee, the penalty be on their own heads. We have no patience with the mawkish philanthropy which would ward-off the punishment of stupidity. The ultimate result of shielding men from the effects of folly, is to fill the world with fools.

A few words in conclusion respecting the attitude of our opponents. Leaving joint-stock-bank legislation, on which the eyes of the public are happily becoming opened; and returning to the Bank-Charter, with its theory of currency-regulation; we have to charge its supporters with gross, if not wilful, misrepresentation. Their established policy is to speak of all antagonism as identified with adhesion to the vulgarest fallacies. They daily present, as the only alternatives, their own dogma or some wild doctrine too

absurd to be argued. "Side with us or choose anarchy," is the substance of their homilies.

To speak specifically:—They boldly assert, in the first place, that they are the upholders of "principle;" and on all opposition they seek to fasten the title of "empiricism." Now we are at a loss to see what there is "empirical" in the position, that a bank-note-circulation will regulate itself in the same way that the circulation of other paper-currency does. It seems to us anything but "empirical," to say that the natural check of prospective bankruptcy, which restrains the trader from issuing too many promises-to-pay at given dates, will similarly restrain the banker from issuing too many promises-to-pay on demand. We take him to be the very opposite of an "empiric," who holds that people's characters and circumstances determine the quantity of credit-memoranda in circulation; and that the monetary disorders which their imperfect characters and changing circumstances occasionally entail, can be exacerbated, but cannot be prevented, by State-nostrums. On the other hand, we do not see in virtue of what "principle" it is, that the contract expressed on the face of a bank-note must be dealt with differently from any other contract. We cannot understand the "principle" which requires the State to control the business of bankers, so that they may not make engagements they cannot fulfil, but which does *not* require the State to do the like with other traders. To us it is a very incomprehensible "principle" which permits the Bank of England to issue £14,000,000 on the credit of the State; but which is broken if the State-credit is mortgaged beyond this—a "principle" which implies that £14,000,000 of notes may be issued without gold to meet them, but insists on rigorous precautions for the convertibility of every pound more. We are curious to learn how it was inferred from this "principle" that the average note-circulation of each provincial bank, during certain twelve weeks in 1844, was exactly the note-circula-

tion which its capital justified. So far from discerning a "principle," it seems to us that both the idea and its applications are as empirical as they can well be.

Still more astounding, however, is the assumption of these "currency-theorists," that their doctrines are those of Free-trade. In the Legislature, Lord Overstone, and in the press, the *Saturday Review*, have, among others, asserted this. To call that a Free-trade measure, which has the avowed object of restricting certain voluntary acts of exchange, appears so manifest a contradiction in terms that it is scarcely credible it should be made. The whole system of currency-legislation is restrictionist from beginning to end: equally in spirit and detail. Is that a Free-trade regulation which has all along forbidden banks of issue within sixty-five miles of London? Is that Free-trade which enacts that none but such as have now the State-warrant, shall henceforth give promises-to-pay on demand? Is that Free-trade which at a certain point steps in between the banker and his customer, and puts a veto on any further exchange of credit-documents? We wonder what would be said by two merchants, the one about to draw a bill on the other in return for goods sold, who should be stopped by a State-officer with the remark that, having examined the buyer's ledger, he was of opinion that ready as the seller might be to take the bill, it would be unsafe for him to do so; and that the law, in pursuance of the principles of Free-trade, negatived the transaction! Yet for the promise-to-pay in six months, it needs but to substitute a promise-to-pay on demand, and the case becomes substantially that of banker and customer.

It is true that the "currency-theorists" have a colourable excuse in the fact, that among their opponents are the advocates of various visionary schemes, and propounders of regulations quite as protectionist in spirit as their own. It is true that there are some who contend for inconvertible "labour-notes;" and others who argue that, in times of

commercial pressure, banks should not raise their rates of discount. But is this any justification for recklessly stigmatizing all antagonism as coming from these classes, in the face of the fact that the Bank-Act has been protested against by the highest authorities in political economy? Do not the defenders of the "currency-principle" know that among their opponents are Mr. Thornton, long known as an able writer on currency-questions; Mr. Tooke and Mr. Newmarch, famed for their laborious and exhaustive researches respecting currency and prices; Mr. Fullarton, whose "Regulation of Currencies" is a standard work; Mr. Macleod, whose just-issued book displays the endless injustices and stupidities of our monetary history; Mr. James Wilson, M.P., who, in detailed knowledge of commerce, currency, and banking, is probably unrivalled; and Mr. John Stuart Mill, who both as logician and economist, stands in the first rank? Do they not know that the alleged distinction between bank-notes and other credit-documents, which forms the professed basis of the Bank-Act (and for which Sir R. Peel could quote only the one poor authority of Lord Liverpool) is denied, not only by the gentlemen above named, but also by Mr. Huskisson, Professor Storch, Dr. Travers Twiss, and the distinguished French Professors, M. Joseph Garnier and M. Michel Chevalier?* Do they not know, in short, that both the profoundest thinkers and the most patient inquirers are against them? If they do not know this, it is time they studied the subject on which they write with such an air of authority. If they do know it, a little more respect for their opponents would not be unbecoming.

* See Mr. Tooke's "Bank Charter Act of 1844," etc.

## PARLIAMENTARY REFORM: THE DANGERS AND THE SAFEGUARDS.

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THIRTY years ago, the dread of impending evils agitated not a few breasts throughout England. Instinctive fear of change, justified as it seemed by outbursts of popular violence, conjured up visions of the anarchy which would follow the passing of a Reform Bill. In scattered farm-houses there was chronic terror, lest those newly endowed with political power should in some way filch all the profits obtained by rearing cattle and growing corn. The occupants of halls and manors spoke of ten-pound householders almost as though they formed an army of spoilers, threatening to overrun and devastate the property of landholders. Among townspeople there were some who interpreted the abolition of old corruptions into the establishment of mob-government; which they thought equivalent to spoliation. And even in Parliament, such alarms found occasional utterance: as, for instance, through the mouth of Sir Robert Inglis, who hinted that the national debt would not improbably be repudiated if the proposed measure became law.

There may perhaps be a few who regard the now pending change in the representation with similar dread—who think

that artizans and others of their grade are prepared, when the power is given to them, to lay hands on property. We presume, however, that such irrational alarmists form but a small percentage of the nation. Not only throughout the Liberal party, but among the Conservatives, there exists a much fairer estimate of the popular character than is implied by anticipations of so gloomy a kind. Many of the upper and middle classes are conscious of the fact that, if critically compared, the average conduct of the wealthy would not be found to differ very widely in rectitude from that of the poor. Making due allowance for differences in the kinds and degrees of temptations to which they are exposed, the respective grades of society are tolerably uniform in their morals. That disregard of the rights of property which, among the people at large, shows itself in the direct form of petty thefts, shows itself among their richer neighbours in various indirect forms, which are scarcely less flagitious and often much more detrimental to fellow-citizens. Traders, wholesale and retail, commit countless dishonesties, ranging from adulteration and short measure up to fraudulent bankruptcy—dishonesties of which we sketched out some of the ramifications in a late article on "The Morals of Trade." The trickeries of the turf; the bribery of electors; the non-payment of tradesmen's bills; the jobbing in railway-shares; the obtainment of exorbitant prices for land from railway-companies; the corruption that attends the getting of private bills through Parliament—these, and other such illustrations, show that the unconscientiousness of the upper class, manifested though it is in different forms, is not less than that of the lower class: bears as great a ratio to the size of the class, and, if traced to its ultimate results, produces evils as great if not greater.

And if the facts prove that in uprightness of intentions there is little to choose between one class of the community and another, an extension of the franchise cannot rationally

be opposed on the ground that property would be directly endangered. There is no more reason to suppose that the mass of artizans and labourers would use political power with conscious injustice to their richer neighbours, than there is reason to suppose that their richer neighbours now consciously commit legal injustices against artizans and labourers.

What, then, is the danger to be apprehended? If land, and houses, and railways, and funds, and property of all other kinds, would be held with no less security than now, why need there be any fears that the franchise would be misused? What are the misuses of it which are rationally to be anticipated?

The ways in which those to be endowed with political power are likely to abuse it, may be inferred from the ways in which political power has been abused by those who have possessed it.

What general trait has characterized the rule of the classes hitherto dominant? These classes have not habitually sought their own *direct* advantage at the expense of other classes; but their measures have nevertheless frequently been such as were *indirectly* advantageous to themselves. Voluntary self-sacrifice has been the exception. The rule has been so to legislate as to preserve private interests from injury; whether public interests were injured or not. Though, in equity, a landlord has no greater claim on a defaulting tenant than any other creditor; yet landlords, having formed the majority of the legislature, have made laws giving them power to recover rent in anticipation of other creditors. Though the duties payable to government on the transfer of property to heirs and legatees, might justly have been made to fall more heavily on the wealthy than on the comparatively poor, and on real property rather than on personal property; yet the reverse arrangement was enacted and long maintained, and is even still partially in force. Rights of presentation to places in the Church,

obtained however completely in violation of the spirit of the law, are yet tenaciously defended, with little or no regard to the welfare of those for whom the Church ostensibly exists. Were it not accounted for by the bias of personal interests, it would be impossible to explain the fact that, on the question of protection to agriculture, the landed classes and their dependents were ranged against the other classes: the same evidence being open to both. And if there needs a still stronger illustration, we have it in the opposition made to the repeal of the Corn-Laws by the established clergy. Though, by their office, preachers of justice and mercy—though constantly occupied in condemning selfishness and holding up a supreme example of self-sacrifice; yet so swayed were they by those temporal interests which they thought endangered, that they offered to this proposed change an almost uniform resistance. Out of some ten thousand *ex officio* friends of the poor and needy, there was but one (the Rev. Thomas Spencer), who took an active part in abolishing this tax imposed on the people's bread for the maintenance of landlords' rents.

Such are a few of the ways in which, in modern times, those who have the power seek their own benefit at the expense of the rest. It is in analogous ways that we must expect any section of the community which may be made predominant by a political change, to sacrifice the welfare of other sections to its own. While we do not see reason to think that the lower classes are intrinsically less conscientious than the upper classes, we do not see reason to think that they are more conscientious. Holding, as we do, that in each society and in each age, the morality is, on the average, the same throughout all ranks; it seems to us clear that if the rich, when they have the opportunity, make laws which unduly favour themselves, the poor, if their power was in excess, will do the like in similar ways and to a similar extent. Without knowingly enacting injustice, they will be unconsciously biased by personal

considerations; and our legislation will err as much in a new direction as it has hitherto done in the old.

This abstract conclusion we shall find confirmed on contemplating the feelings and opinions current among artizans and labourers. What the working classes now wish done, indicates what they would be likely to do, if a reform in the representation made them preponderate. Judging from their prevailing sentiments, they would doubtless do, or aid in doing, many things which it is desirable to have done. Such a question as that of Church-rates would have been settled long ago had the franchise been wider. Any great increase of popular influence, would go far to rectify the present inequitable relation of the established religious sect to the rest of the community. And other remnants of class-legislation would be swept away. But besides ideas likely to eventuate in changes which we should regard as beneficial, the working classes entertain ideas that could not be realized without gross injustice to other classes and ultimate injury to themselves. There is among them a prevailing enmity towards capitalists. The fallacy that machinery acts to their damage, is still widely spread, both among rural labourers and the inhabitants of towns. And they show a wish, not only to dictate how long per day men shall work, but to regulate all the relations between employers and employed. Let us briefly consider the evidence of this.

When, adding another to the countless errors which it has taught the people, the Legislature, by passing the Ten-Hours-Bill, asserted that it is the duty of the State to limit the duration of labour, there naturally arose among the working classes the desire for further ameliorations to be secured in the same way. First came the formidable strike of the Amalgamated Engineers. The rules of this body aim to restrict the supply of labour in various ways. No member is allowed to work more than a fixed number of hours per week; nor for less than a fixed rate of wages.

No man is admitted into the trade who has not "earned a right by probationary servitude." There is a strict registration; which is secured by fines on any one who neglects to notify his marriage, removal, or change of service. The council decides, without appeal, on all the affairs, individual and general, of the body. How tyrannical are the regulations may be judged from the fact, that members are punished for divulging anything concerning the society's business; for censuring one another; for vindicating the conduct of those fined, etc. And their own unity of action having been secured by these coercive measures, the Amalgamated Engineers made a prolonged effort to impose on their employers, sundry restrictions which they supposed would be beneficial to themselves. More recently, we have seen similar objects worked for by similar means during the strike of the Operative Builders. In one of their early manifestoes, this body of men contended that they had "an equal right to share with other workers, that large amount of public sympathy which is now being so widely extended in the direction of shortening the hours of labour:" thus showing at once their delusion and its source. Believing, as they had been taught by an Act of Parliament to believe, that the relation between the quantity of labour given and the wages received, is not a natural but an artificial one; they demanded that while the wages remained the same, the hours should be reduced from ten to nine. They recommended their employers so to make their future contracts, as to allow for this diminished day's work: saying they were "so sanguine as to consider the consummation of their desire inevitable:" a polite way of hinting that their employers must succumb to the irresistible power of their organization. Referring to the threat of the master-builders to close their works, they warned them against "the responsibility of causing the public disaster" thus indicated. And when the breach finally took place, the

Unionists set in action the approved appliances for bringing masters to terms; and would have succeeded had it not been that their antagonists, believing that concessions would be ruinous, made a united resistance. During several previous years, master-builders had been yielding to various extravagant demands, of which those recently made were a further development. Had they assented to the diminished day's work, and abolished systematic overtime, as they were required to do, there is no reason to suppose the dictation would have ended. Success would have presently led to still more exacting requirements; and future years would have witnessed further extensions of this mischievous meddling between capital and labour.

Perhaps the completest illustration of the industrial regulations which find favour with artizans, is supplied by the Printers' Union. With the exception of those engaged in *The Times* office, and in one other large establishment, the proprietors of which successfully resisted the combination, the compositors, pressmen, etc., throughout the kingdom, form a society which controls all the relations between employers and employed. There is a fixed price for setting up type—so much per thousand letters: no master can give less; no compositor being allowed by the Union to work for less. There are established rates for press-work; and established numbers less than which you cannot have printed without paying for work that is not done. The scale rises by what are called "tokens" of 250; and if but 50 copies are required, the charge is the same as for printing 250; or if 300 are wanted, payment must be made for 500. Besides regulating prices and modes of charging to their own advantage, in these and other ways, the members of the Union restrict competition by limiting the number of apprentices brought into the business. So well organized is this combination that the masters are obliged to succumb. An infraction of the rules in any

printing-office leads to a strike of the men; and as this is supported by the Union at large, the employer has to yield.

That in other trades artizans would, if they could, establish restrictive systems equally complete with this, we take to be sufficiently proved by their often-repeated attempts. The Tin-plate-Workers' strike, the Coventry-Weavers' strikes, the Engineers' strike, the Shoemakers' strike, the Builders' strike, all show a most decided leaning towards a despotic regulation of trade-prices, hours, and arrangements —towards an abolition of free trade between employers and employed. Should the men engaged in our various industries succeed in their aims, each industry would be so shackled as seriously to raise the cost of production. The chief penalty would thus fall on the working classes themselves. Each producer, while protected in the exercise of his own occupation, would on every commodity he bought have to pay an extra price, consequent on the protection of other producers. In short, there would be established, under a new form, the old mischievous system of mutual taxation. And a final result would be such a diminished ability to compete with other nations as to destroy our foreign trade.

Against results like these it behoves us to guard. It becomes a grave question how far we may safely give political power to those who entertain views so erroneous respecting fundamental social relations; and who so pertinaciously struggle to enforce these erroneous views. Men who render up their private liberties to the despotic rulers of trades-unions, seem scarcely independent enough rightly to exercise political liberties. Those who so ill understand the nature of freedom, as to think that any man or body of men has a right to prevent employer and employed from making any contract they please, would almost appear to be incapacitated for the guardianship of their own freedom and that of their fellow-citizens. When their notions of rectitude are so confused, that they think it a duty to obey the arbitrary

commands of their union-authorities, and to abandon the right of individually disposing of their labour on their own terms—when, in conformity with this inverted sense of duty, they even risk the starvation of their families—when they call that an "odious document" which simply demands that master and man shall be free to make their own bargains—when their sense of justice is so obtuse that they are ready to bully, to deprive of work, to starve, and even to kill, members of their own class who rebel against dictation, and assert their rights to sell their labour at such rates and to such persons as they think fit—when in short they prove themselves ready to become alike slaves and tyrants, we may well pause before giving them the franchise.

The objects which artizans have long sought to achieve by their private organizations, they would, had they adequate political power, seek to achieve by public enactments. If, on points like those instanced, their convictions are so strong and their determination so great, that they will time after time submit to extreme privations in the effort to carry them; it is a reasonable expectation that these convictions, pushed with this determination, would soon be expressed in law, if those who held them had predominant power. With working men, questions concerning the regulation of labour are of the highest interest. Candidates for Parliament would be more likely to obtain their suffrages by pandering to their prejudices on such questions, than in any other way. Should it be said that no evil need be feared unless the artizan-class numerically preponderated in the constituencies; it may be rejoined that not unfrequently, where two chief political parties are nearly balanced, some other party, though much smaller, determines the election. When we bear in mind that the trades-unions throughout the kingdom number 600,000 members, and command a fund of £300,000—when we remember that these trades-unions are in the habit of aiding each other, and have even been incorporated into one national association—when we also remember that

their organization is very complete, and their power over their members mercilessly exercised; it seems likely that at a general election their combined action would decide the result in many towns: even though the artizans in each case formed but a moderate portion of the constituency. How influential small but combined bodies are, the Irish Members of our House of Commons prove to us; and still more clearly the Irish emigrants in America. Certainly these trade-combinations are not less perfectly organized; nor are the motives of their members less strong. Judge then how efficient their political action would be.

It is true that in county-constituencies and rural towns, the artizan class have no power; and that in the antagonism of agriculturists there would be a restraint on their projects. But, on the other hand, the artizans would, on these questions, have the sympathy of many not belonging to their own body. Numerous small shopkeepers and others who are in point of means about on their level, would go with them in their efforts to regulate the relations of capital and labour. Among the middle classes, too, there are not a few kindly-disposed men who are so ignorant of political economy as to think the artizans justified in their aims. Even among the landed class they might find supporters. We have but to recollect the antipathy shown by landowners in Parliament to the manufacturing interest, during the ten-hours' agitation, to see that it is quite possible for country squires to join the working men in imposing restrictions unfavourable to employers. True, the angry feeling which then prompted them has in some measure died away. It is to be hoped, too, that they have gained wisdom. But still, remembering the past, we must take this contingency into account.

Here, then, is one of the dangers to which an extension of the franchise opens the door. While the fear that the rights of property may be directly interfered with, is absurd, it is a very rational fear that the rights of property may be indirectly interfered with—that, by cramping laws,

the capitalist may be prevented from using his money as he finds best, and the workman from selling his labour as he pleases. We are not prepared to say what widening of the representation would bring about such results. We profess neither to estimate what amount of artizan-power a £6 or a £5 borough-franchise would give; nor to determine whether the opposing powers would suffice to keep it in check. Our purpose here is simply to indicate this establishment of injurious industrial regulations, as one of the dangers to be kept in view.

Turn we now to another danger, distinct from the foregoing though near akin to it. Next after the evils of that over-legislation which restricts the exchange of capital and labour, come the evils of that over-legislation which provides for the community, by State-agency, benefits which capital and labour should be left spontaneously to provide. And it naturally, though unfortunately, happens, that those who lean to the one kind of over-legislation, lean also to the other kind. Men leading laborious lives, relieved by little in the shape of enjoyment, give willing ears to the doctrine that the State should provide them with various positive advantages and gratifications. The much-enduring poor cannot be expected to deal very critically with those who promise them gratis pleasures. As a drowning man catches at a straw, so will one whose existence is burdensome catch at anything, no matter how unsubstantial, which holds out the slightest hope of a little happiness. We must not, therefore, blame the working-classes for being ready converts to socialistic schemes, or to a belief in "the sovereign power of political machinery."

Not that the working-classes alone fall into these delusions. Unfortunately they are countenanced, and have been in part misled, by those above them. In Parliament and out of Parliament, well-meaning men among the upper and middle ranks, have been active apostles of these false

doctrines. There has ever been, and continues to be, much law-making based on the assumption, that it is the duty of the State, not simply to insure each citizen fair play in the battle of life, but to help him in fighting the battle of life: having previously taken money from his, or some one else's, pocket to pay the cost of doing this. And we cannot glance over the papers without seeing how active are the agitations carried on out of doors in furtherance of this policy; and how they threaten to become daily more active. The doings of the Chadwick-school furnish one set of illustrations. From those of the Shaftesbury-school other illustrations may be gathered. And in the transactions of the body, absurdly self-entitled "The National Association for the Promotion of Social Science," we find still more numerous developments of this mischievous error.

When we say that the working-classes, and more especially the artizan-classes, have strong leanings towards these Utopianisms which they have unhappily been encouraged to entertain by many who should have known better, we do not speak at random. We are not drawing an *a priori* inference as to the doctrines likely to find favour with men in their position. Nor are we guided merely by evidence to be gathered from newspapers. We have a basis of definite fact in the proceedings of reformed municipal governments. These bodies have from year to year extended their functions; and so heavy has in some cases become the consequent local taxation, as to have caused a reaction against the political party which was responsible. Town-councils almost exclusively Whig, have of late been made comparatively Conservative, by the efforts of those richer classes who suffer most from municipal extravagance. With whom, then, has this extravagance been popular? With the poorer members of the constituencies. Candidates for town-councillorships have found no better means of obtaining the suffrages of the mass, than the advocacy of this or the other local undertaking. To

build baths and wash-houses at the expense of the town, has proved a popular proposal. The support of public gardens out of funds raised by local rates, has been applauded by the majority. So, too, with the establishment of free libraries, which has, of course, met with encouragement from working-men, and from those who wish to find favour with them. Should some one, taking a hint from the cheap concerts now common in our manufacturing towns, propose to supply music at the public cost, we doubt not he would be hailed as a friend of the people. And similarly with countless socialistic schemes, of which, when once commenced, there is no end.

Such being the demonstrated tendencies of municipal governments, with their extended bases of representation, is it not a fair inference that a Central Government having a base of representation much wider than the present, would manifest like tendencies? We shall see the more reason for fearing this, when we remember that those who approve of multiplied State-agencies, would generally ally themselves with those who seek for the legislative regulation of labour. The doctrines are near akin; and they are, to a considerable extent, held by the same persons. If united the two bodies would have a formidable power; and, appealed to, as they would often be, by candidates expressing agreement on both these points, they might, even though a minority, get unduly represented in the legislature. Such, at least, seems to us a further danger. Led by philanthropists having sympathies stronger than their intellects, the working-classes are very likely to employ their influence in increasing over-legislation: not only by agitating for industrial regulations, but in various other ways. What extension of franchise would make this danger a serious one, we do not pretend to say. Here, as before, we would simply indicate a probable source of mischief.

And now what are the safeguards? Not such as we

believe will be adopted. To meet evils like those which threaten to follow the impending political change, the common plan is to devise special checks—minor limitations and qualifications. Not to dry up the evil at its source but to dam it out, is, in analogous cases, the usual aim. We have no faith in such methods. The only efficient safeguard lies in a change of convictions and motives. And, to work a change of this kind, there is no certain way but that of letting men directly feel the penalties which mistaken legislation brings on them. "How is this to be done?" the reader will doubtless ask. Simply by letting causes and effects stand in their natural relations. Simply by taking away those vicious arrangements which now mostly prevent men from seeing the reactions that follow legislative actions.

At present the extension of public administrations is popular, mainly because there has not been established in the minds of the people, any distinct connexion between the benefits to be gained and the expenses to be paid. Of the conveniences or gratifications secured to them by some new body of officials with a fund at its disposal, they have immediate experience; but of the way in which the costs fall on the nation, and ultimately on themselves, they have no immediate experience. Our fiscal arrangements dissociate the ideas of increased public expenditure and increased burdens on all who labour; and thus encourage the superstition that law can give gratis benefits. This is clearly the chief cause of that municipal extravagance to which we have above adverted. The working men of our towns possess public power, while most of them do not directly bear public burdens. On small houses the taxes for borough-purposes are usually paid by the landlords; and of late years, for the sake of convenience and economy, there has grown up a system of compounding with landlords of small houses even for the poor-rates chargeable to their tenants. Under this

arrangement, at first voluntary but now compulsory, a certain discount off the total rates due from a number of houses is allowed to the owner, in consideration of his paying the rates, and thus saving the authorities trouble and loss in collection. And he is supposed to raise his rents by the full amount of the rates charged. Thus, most municipal electors, not paying local taxes in a separate form, are not constantly reminded of the connexion between public expenditure and personal costs; and hence it happens that any outlay made for local purposes, no matter how extravagant and unreasonable, which brings to them some kind of advantage, is regarded as pure gain. If the corporation resolves, quite unnecessarily, to rebuild a town-hall, the resolution is of course approved by the majority. "It is good for trade and it costs us nothing," is the argument which passes vaguely through their minds. If some one proposes to buy an adjoining estate and turn it into a public park, the working classes naturally give their support to the proposal; for ornamental grounds cannot but be an advantage, and though the rates may be increased that will be no affair of theirs. Thus necessarily arises a tendency to multiply public agencies and increase public outlay. It becomes an established policy with popularity-hunters to advocate new works to be executed by the town. Those who disapprove this course are in fear that their seats may be jeopardized at the next election, should they make a vigorous opposition. And thus do these local administrations inevitably lean towards abnormal developments.

No one can, we think, doubt that were the rates levied directly on all electors, a check would be given to this municipal communism. If each small occupier found that every new work undertaken by the authorities cost him so many pence extra in the pound, he would begin to consider with himself whether the advantage gained was equivalent to the price paid; and would often reach a

negative conclusion. It would become a question with him whether, instead of letting the local government provide him with certain remote advantages in return for certain moneys, he might not himself purchase with such moneys immediate advantages of greater worth; and, generally, he would decide that he could do this. Without saying to what extent such a restraint would act, we may safely say that it would be beneficial. Every one must admit that each inhabitant of a town ought constantly to be reminded of the relation between the work performed for him by the corporation and the sum he pays for it. No one can deny that the habitual experience of this relation would tend to keep the action of local governments within proper bounds.

Similarly with the Central Government. Here the effects wrought by public agencies are still more dissociated from the costs they entail on each citizen. The bulk of the taxes being raised in so unobtrusive a way, and affecting the masses in modes so difficult to trace, it is scarcely possible for the masses to realize the fact that the sums paid by Government for supporting schools, for facilitating emigration, for inspecting mines, factories, railways, ships, etc., have been in great part taken from their own pockets. The more intelligent of them understand this as an abstract truth; but it is not a truth present to their minds in such a definite shape as to influence their actions. Quite otherwise, however, would it be if taxation were direct; and the expense of every new State-agency were felt by each citizen as an additional demand made on him by the tax-gatherer. Then would there be a clear, constantly-recurring experience of the truth, that for everything which the State gives with one hand it takes away something with the other; and then would it be less easy to propagate absurd delusions about the powers and duties of Governments. No one can question this conclusion who calls to mind the reason currently given for maintaining

indirect taxation; namely, that the required revenue could not otherwise be raised. Statesmen see that if instead of taking from the citizen here a little and there a little, in ways that he does not know or constantly forgets, the whole amount were demanded in a lump sum, it would scarcely be possible to get it paid. Grumbling and resistance would rise probably to disaffection. Coercion would in hosts of cases be needed to obtain this large total tax; which, indeed, even with this aid, could not be obtained from the majority of the people, whose improvident habits prevent the accumulation of considerable sums. And so the revenue would fall immensely short of that expenditure which is supposed necessary. This being assented to, it must perforce be admitted that under a system of direct taxation, further extension of public administrations, entailing further costs, would meet with general opposition. Instead of multiplying the functions of the State, the tendency would obviously be to reduce their number.

Here, then, is one of the safeguards. The incidence of taxation must be made more direct in proportion as the franchise is extended. Our changes ought not to be in the direction of the Compound-Householders-Act of 1851, which makes it no longer needful for a Parliamentary elector to have paid poor-rates before giving a vote; but they ought to be in the opposite direction. The exercise of power over the national revenue, should be indissolubly associated with the *conscious* payment of contributions to that revenue. Direct taxation instead of being limited, as many wish, must be extended to lower and wider classes, as fast as these classes are endowed with political power.

Probably this proposal will be regarded with small favour by statesmen. It is not in the nature of things for men to approve a system which tends to restrict their powers. We know, too, that any great extension of direct taxation will be held at present impossible; and we are not prepared

to assert the contrary. This, however, is no reason against reducing the indirect taxation and augmenting the direct taxation as far as circumstances allow. And if when the last had been increased and the first decreased to the greatest extent now practicable, it were made an established principle that any additional revenue must be raised by direct taxes, there would be an efficient check to one of the evils likely to follow from further political enfranchisement.

The other evil which we have pointed out as rationally to be feared, cannot be thus met, however. Though an ever-recurring experience of the relation between State-action and its cost, would hinder the growth of those State-agencies which undertake to supply citizens with positive conveniences and gratifications; it would be no restraint on that negative and inexpensive over-legislation which trespasses on individual freedom—it would not prevent mischievous meddling with the relations between labour and capital. Against this danger the only safeguards appear to be, the spread of sounder views among the working classes, and the moral advance which such sounder views imply.

"That is to say, the people must be educated," responds the reader. Yes, education is the thing wanted; but not the education for which most men agitate. Ordinary school-training is not a preparation for the right exercise of political power. Conclusive proof of this is given by the fact that the artizans, from whose mistaken ideas the most danger is to be feared, are the best informed of the working classes. Far from promising to be a safeguard, the spread of such education as is commonly given appears more likely to increase the danger. Raising the working classes in general to the artizan-level of culture, threatens to augment, rather than to diminish, their power of working political evil. The current faith in Reading, Writing, and Arithmetic, as fitting men for citizenship, seems to us quite

unwarranted; as are, indeed, most other anticipations of the benefits to be derived from learning lessons. There is no connexion between the ability to parse a sentence, and a clear understanding of the causes which determine the rate of wages. The multiplication-table affords no aid in seeing through the fallacy that the destruction of property is good for trade. Long practice may have produced extremely good penmanship without having given the least power to understand the paradox that machinery eventually increases the number of persons employed in the trades into which it is introduced. Nor is it proved that smatterings of mensuration, astronomy, or geography, fit men for estimating the characters and motives of Parliamentary candidates. Indeed we have only thus to bring together the antecedents and the anticipated consequents, to see how untenable is the belief in a relation between them. When we wish a girl to become a good musician, we seat her before the piano: we do not put drawing implements into her hands, and expect music to come along with skill in the use of pencils and colour-brushes. Sending a boy to pore over law-books would be thought an extremely irrational way of preparing him for civil engineering. And if in these and all other cases, we do not expect fitness for any function except through instruction and exercise in that function; why do we expect fitness for citizenship to be produced by a discipline which has no relation to the duties of the citizen? Probably it will be replied that by making the working man a good reader, we give him access to sources of information from which he may learn how to use his electoral power; and that other studies sharpen his faculties and make him a better judge of political questions. This is true; and the eventual tendency is unquestionably good. But what if for a long time to come he reads only to obtain confirmation of his errors? What if there exists a literature appealing to his prejudices, and supplying him with fallacious arguments for the mistaken beliefs which he naturally takes

up? What if he rejects all teaching that aims to disabuse him of cherished delusions? Must we not say that the culture which thus merely helps the workman to establish himself in error, rather unfits than fits him for citizenship? And do not the trades'-unions furnish evidence of this?

How little that which people commonly call education prepares them for the use of political power, may be judged from the incompetency of those who have received the highest education the country affords. Glance back at the blunders of our legislation, and then remember that the men who committed them had mostly taken University-degrees; and you must admit that the profoundest ignorance of Social Science may accompany intimate acquaintance with all which our cultivated classes regard as valuable knowledge. Do but take a young member of Parliament, fresh from Oxford or Cambridge, and ask him what he thinks Law should do, and why? or what it should not do, and why? and it will become manifest that neither his familiarity with Aristotle nor his readings in Thucydides, have prepared him to answer the very first question a legislator ought to solve. A single illustration will suffice to show how different an education from that usually given, is required by legislators, and consequently by those who elect them: we mean the illustration which the Free-trade agitation supplies. By kings, peers, and members of Parliament, mostly brought up at universities, trade had been hampered by protections, prohibitions, and bounties. For centuries had been maintained these legislative appliances which a very moderate insight shows to be detrimental. Yet, of all the highly-educated throughout the nation during these centuries, scarcely a man saw how mischievous such appliances were. Not from one who devoted himself to the most approved studies, came the work which set politicians right on these points; but from one who left college without a degree, and prosecuted inquiries which the established education ignored. Adam

Smith examined for himself the industrial phenomena of societies; contemplated the productive and distributive activities going on around him; traced out their complicated mutual dependences; and thus reached general principles for political guidance. In recent days, those who have most clearly understood the truths he enunciated, and by persevering exposition have converted the nation to their views, have not been graduates of universities. While, contrariwise, those who have passed through the prescribed *curriculum*, have commonly been the most bitter and obstinate opponents of the changes dictated by politico-economical science. In this all-important direction, right legislation was urged by men deficient in the so-called best education, and was resisted by the great majority of men who had received this so-called best education!

The truth for which we contend, and which is so strangely overlooked, is, indeed, almost a truism. Does not our whole theory of training imply that the right preparation for political power is political cultivation? Must not that teaching which can alone guide the citizen in the fulfilment of his public actions, be a teaching that acquaints him with the effects of his public actions?

The second chief safeguard to which we must trust is, then, the spread, not of that mere technical and miscellaneous knowledge which men are so eagerly propagating, but of political knowledge; or, to speak more accurately —knowledge of Social Science. Above all, the essential thing is the establishment of a true theory of government —a true conception of what legislation is for, and what are its proper limits. This question which our political discussions habitually ignore, is a question of greater moment than any other. Inquiries which statesmen deride as speculative and unpractical, will one day be found infinitely more practical than those which they wade through Blue Books to master, and nightly spend many hours in debating. The considerations that every morning fill a dozen columns

of *The Times*, are mere frivolities when compared with the fundamental consideration—What is the proper sphere of government? Before discussing the way in which law should regulate some particular thing, would it not be wise to put the previous question—Whether law ought or ought not to meddle with that thing? and before answering this, to put the more general questions—What law should do? and what it should leave undone? Surely, if there are any limits at all to legislation, the settlement of these limits must have effects far more profound than any particular Act of Parliament can have; and must be by so much the more momentous. Surely, if there is danger that the people may misuse political power, it is of supreme importance that they should be taught for what purpose political power ought alone to be used.

Did the upper classes understand their position they would, we think, see that the diffusion of sound views on this matter more nearly concerns their own welfare and that of the nation at large, than any other thing whatever. Popular influence will inevitably go on increasing. Should the masses gain a predominant power while their ideas of social arrangements and legislative action remain as crude as at present, there will certainly result disastrous meddlings with the relations of capital and labour, as well as a disastrous extension of State-administrations. Immense damage will be inflicted: primarily on employers; secondarily on the employed; and eventually on the nation as a whole. If these evils can be prevented at all, they can be prevented only by establishing in the public mind a profound conviction that there are certain definite limits to the functions of the State; and that these limits ought on no account to be transgressed. Having learned what these limits are, the upper classes ought to use all means of making them clear to the people.

In No. XXIV. of this Review, for October, 1857, we

endeavoured to show that while representative government is, by its intrinsic nature, better than any other for administering justice or insuring equitable relations among citizens, it is, by its intrinsic nature, worse than any other for all the various additional functions which governments commonly undertake. To the question—What is representative government good for? our reply was—"It is good, especially good, good above all others, for doing the thing which a government should do. It is bad, especially bad, bad above all others, for doing the things which a government should not do."

To this truth we may here add a correlative one. As fast as a government, by becoming representative, grows better fitted for maintaining the rights of citizens, it grows not only unfitted for other purposes, but dangerous for other purposes. In gaining adaptation for the essential function of a government, it loses such adaptation as it had for other functions; not only because its complexity is a hindrance to administrative action, but also because in discharging other functions it must be mischievously influenced by class bias. So long as it is confined to the duty of preventing the aggressions of individuals on one another, and protecting the nation at large against external enemies, the wider its basis the better; for all men are similarly interested in the security of life, property, and freedom to exercise the faculties. But let it undertake to bring home positive benefits to citizens, or to interfere with any of the special relations between class and class, and there necessarily enters an incentive to injustice. For in no such cases can the immediate interests of all classes be alike. Therefore do we say that as fast as representation is extended, the sphere of government must be contracted.

Postscript.—Since the foregoing pages were written, Lord John Russell has introduced his Reform Bill; and in

application of the general principles we contend for, a few words may fitly be added respecting it.

Of the extended county-franchise most will approve, save those whose illegitimate influence is diminished by it. Adding to the rural constituencies a class less directly dependent on large landowners, can scarcely fail to be beneficial. Even should it not at first perceptibly affect the choice of representatives, it will still be a good stimulus to political education and to consequent future benefits. Of the re-distribution of seats little is to be said, further than that, however far short it may fall of an equitable arrangement, it is perhaps as much as can at present be obtained.

Whether the right limit for the borough-franchise has been chosen is, on the other hand, a question that admits of much discussion. Some hesitation will probably be felt by all who duly weigh the evidence on both sides. Believing, as we do, that the guidance of abstract equity, however much it may need qualification, must never be ignored, we should be glad were it at once practicable more nearly to follow it; since it is certain that only as fast as the injustice of political exclusion is brought to an end, will the many political injustices which grow out of it disappear. Nevertheless, we are convinced that the forms which freedom requires will not of themselves produce the reality of freedom, in the absence of an appropriate national character; any more than the most perfect mechanism will do its work in the absence of a motive power. There seems reason to think that the degree of liberty a people is capable of in any given age, is a fixed quantity; and that any artificial extension of it in one direction brings about an equivalent limitation in some other direction. French republics show scarcely any more respect for individual rights than the despotisms they supplant; and French electors use their freedom to put themselves again in slavery. In America the feeble restraints imposed by the

State are supplemented by the strong restraints of a public opinion which, in many respects, holds the citizens in greater bondage than here. And if there needs a demonstration that representative equality is an insufficient safeguard for freedom, we have it in the trades'-unions already referred to; which, purely democratic as are their organizations, yet exercise over their members a tyranny almost Neapolitan in its rigour and unscrupulousness. The greatest attainable amount of individual liberty being the true end; and the diffusion of political power being regarded mainly as a means to this end; the real question when considering further extensions of the franchise, is—whether the average freedom of action of citizens will be increased?—whether men will be severally freer than before to pursue the objects of life in their own way? Or, in the present case, the question is—whether the good which £7, £6, or £5 householders would do in helping to abolish existing injustices, will be partly or wholly neutralized by the evil they may do in establishing other injustices? The desideratum is as large an increase in the electorate as can be made without enabling the people to carry out their delusive schemes of over-legislation. Whether the increase proposed is greater or less than this, is the essential point. Let us briefly consider the evidence on each side.

As shown by Lord J. Russell's figures, the new borough-electors will consist mainly of artizans; and these, as we have seen, are in great part banded together by a common wish to regulate the relations of capital and labour. As a class, they are not as Lord J. Russell describes them, "fitted to exercise the franchise freely and independently." On the contrary, there are no men in the community so shackled. They are the slaves of the authorities they have themselves set up. The dependence of farmers on landlords, or of operatives on employers, is much less servile; for they can carry their capital or labour elsewhere. But

the penalty for disobedience to trades-union dictates, pursues the rebel throughout the kingdom. Hence the great mass of the new borough-electors must be expected to act simultaneously, on the word of command being issued from a central council of united trades. Even while we write we meet with fresh reason for anticipating this result. An address from the Conference of the Building Trades to the working classes throughout the kingdom, has just been published; thanking them for their support; advising the maintenance of the organization; anticipating future success in their aims; and intimating the propriety of recommencing the nine-hours' agitation. We must, then, be prepared to see these industrial questions made leading questions; for artizans have a much keener interest in them than in any others. And we may feel certain that many elections will turn upon them.

How many? There are some thirty boroughs in which the newly-enfranchised will form an actual majority—will, if they act together, be able to outvote the existing electors; even supposing the parties into which they are now divided were to unite. In half-a-dozen other boroughs the newly-enfranchised will form a virtual majority—will preponderate unless the present liberal and conservative voters co-operate with great unanimity, which they will be unlikely to do. And the number proposed to be added to the constituency, is one-half or more in nearly fifty other boroughs: that is, in nearly fifty other boroughs, the new party will be able to arbitrate between the two existing parties; and will give its support to whichever of these promises most aid to artizan-schemes. It may be said that in this estimate we assume the whole of the new borough-electors to belong to the artizan-class, which they do not. This is true. But, on the other hand, it must be remembered that among the £10 householders there is a very considerable sprinkling of this class, while the freemen chiefly consist of it; and hence the whole artizan body in each constituency will probably

be not smaller than we have assumed. If so, it follows that should the trades-union organization be brought to bear on borough-elections, as it is pretty certain to be, it may prevail in some eighty or ninety places, and sway the votes of representatives in from 100 to 150 seats—supposing, that is, that it can obtain as many eligible candidates.

Meanwhile, the county-constituencies in their proposed state, as much as in their existing state, not being under trades-union influence, may be expected to stand in antagonism to the artizan-constituencies; as may also the small boroughs. It is just possible, indeed, that irritated by the ever-growing power of a rich mercantile class, continually treading closer on their heels, the landowners, carrying with them their dependents, might join the employed in their dictation to employers; just as, in past times, the nobles joined the commonalty against the kings, or the kings joined the commonalty against the nobles. But leaving out this remote contingency, we may fairly expect the rural constituencies to oppose the large urban ones on these industrial questions. Thus, then, the point to be decided is, whether the benefits that will result from this extended suffrage—benefits which we doubt not will be great—may not be secured while the accompanying evil tendencies are kept in check. It may be that these new artizan-electors will be powerful for good, while their power to work evil will be in a great degree neutralized. But this we should like to see well discussed.

On one question, however, we feel no hesitation; namely, the question of a ratepaying-qualification. From Lord John Russell's answer to Mr. Bright, and more recently from his answer to Mr. Steel, we gather that on this point there is to be no alteration—that £6 householders will stand on the same footing that £10 householders do at present. Now by the Compound-Householders-Act of 1851, to which we have already referred, it is provided that tenants of £10 houses whose rates are paid by their

landlords, shall, after having *once* tendered payment of rates to the authorities, be thereafter considered as ratepayers, and have votes accordingly. That is to say, the ratepaying-qualification is made nominal; and that in practice it has become so, is proved by the fact that under this Act, 4000 electors were suddenly added to the constituency of Manchester.

The continuance and extension of this arrangement we conceive to be wholly vicious. Already we have shown that the incidence of taxation ought to be made more direct as fast as popular power is increased, and that, as diminishing the elector's personal experience of the costs of public administration, this abolition of a ratepaying-qualification is a retrograde step. But this is by no means the sole ground for disapproval. The ratepaying-qualification is a valuable test—a test which tends to separate the more worthy of the working classes from the less worthy. Nay more, it tends to select for enfranchisement, those who have the moral and intellectual qualities especially required for judicious political conduct. For what general mental characteristic does judicious political conduct presuppose? The power of realizing remote consequences. People who are misled by demagogues, are those who are impressed with the proximate results set forth to them but are not impressed by the distant results, even when these are explained—regard them as vague, shadowy, theoretical, and are not to be deterred by them from clutching at a promised boon. Conversely, the wise citizen is the one who conceives the distant evils so clearly that they are practically present to him, and thus outweigh the immediate temptation. Now these are just the respective characteristics of the two classes of tenants whom a ratepaying-qualification separates:—the one having their rates paid by their landlords and so losing their votes; the other paying their own rates that they may get votes:—the one unable to resist present temptations, unable to save money,

and therefore so inconvenienced by the payment of rates as to be disfranchised rather than pay them; the other resisting present temptations and saving money, with the view, among other ends, of paying rates and becoming electors. Trace these respective traits to their sources, and it becomes manifest that, on the average, the pecuniarily improvident must be also the politically improvident; and that the politically provident must be far more numerous among those who are pecuniarily provident. Hence, it is folly to throw aside a regulation under which these spontaneously separate themselves—severally disfranchise themselves and enfranchise themselves.

## "THE COLLECTIVE WISDOM."

[*First published in* The Reader *for April* 15, 1865.]

A TEST of senatorial capacity is a desideratum. We rarely learn how near the mark or how wide of the mark the calculations of statesmen are: the slowness and complexity of social changes, hindering, as they do, the definite comparisons of results with anticipations. Occasionally, however, parliamentary decisions admit of being definitely valued. One which was arrived at a few weeks ago furnished a measure of legislative judgment too significant to be passed by.

On the edge of the Cotswolds, just above the valley of the Severn, occur certain springs, which, as they happen to be at the end of the longest of the hundred streams which join to form the Thames, have been called by a poetical fiction "the sources of the Thames." Names, even when poetical fictions, suggest conclusions; and conclusions drawn from words instead of facts are equally apt to influence conduct. Thus it happened that when, recently, there was formed a company for supplying Cheltenham and some other places from these springs, great opposition arose. The *Times* published a paragraph headed "Threatened Absorption of the Thames," stating that the application of

this company to Parliament had "caused some little consternation in the city of Oxford, and will, doubtless, throughout the valley of the Thames;" and that "such a measure, if carried out, will diminish the water of that noble river a million of gallons per day." A million is an alarming word—suggests something necessarily vast. Translating words into thoughts, however, would have calmed the fears of the *Times* paragraphist. Considering that a million gallons would be contained by a room fifty-six feet cube, the nobility of the Thames would not be much endangered by the deduction. The simple fact is, that the current of the Thames, above the point at which the tides influence it, discharges in twenty-four hours eight hundred times this amount!

When the bill of this proposed water-company was brought before the House of Commons for second reading, it became manifest that the imaginations of our rulers were affected by such expressions as the "sources of the Thames," and "a million gallons daily," in much the same way as the imaginations of the ignorant. Though the quantity of water proposed to be taken bears, to the quantity which runs over Teddington weir, about the same ratio that a yard bears to half a mile, it was thought by many members that its loss would be a serious evil. No method of measurement would be accurate enough to detect the difference between the Thames as it now is, and the Thames *minus* the Cerney springs; and yet it was gravely stated in the House that, were the Thames diminished in the proposed way, "the proportion of sewage to pure water would be seriously increased." Taking a minute out of twelve hours, would be taking as large a proportion as the Cheltenham people wish to take from the Thames. Nevertheless, it was contended that to let Cheltenham have this quantity would be "to rob the towns along the banks of the Thames of their rights." Though, of the Thames flowing by each of these towns, some 999 parts out of 1,000 pass by unused, it was held

that a great injustice would be committed were one or two of these 999 parts appropriated by the inhabitants of a town who can now obtain daily but four gallons of foul water per head!

But the apparent inability thus shown to think of causes and effects in something like their true quantitative relations, was still more conspicuously shown. It was stated by several members that the Thames Navigation Commissioners would have opposed the bill if the commission had not been bankrupt; and this hypothetical opposition appeared to have weight. If we may trust the reports, the House of Commons listened with gravity to the assertion of one of its members, that, if the Cerney springs were diverted, "shoals and flats would be created." Not a laugh nor a cry of "Oh! oh," appears to have been produced by the prophecy, that the volume and scouring power of the Thames would be seriously affected by taking away from it twelve gallons per second! The whole quantity which these springs supply would be delivered by a current moving through a pipe one foot in diameter at the rate of less than two miles per hour. Yet, when it was said that the navigability of the Thames would be injuriously affected by this deduction, there were no shouts of derision. On the contrary, the House rejected the Cheltenham Water Bill by a majority of one hundred and eighteen to eighty-eight. It is true that the data were not presented in the above shape. But the remarkable fact is that, even in the absence of a specific comparison, it should not have been at once seen that the water of springs which drain but a few square miles at most, can be but an inappreciable part of the water which runs out of the Thames basin, extending over several thousand square miles. In itself, this is a matter of small moment. It interests us here simply as an example of legislative judgment. The decision is one of those small holes through which a wide prospect may be seen, and a disheartening prospect it is. In a very simple case there

is here displayed a scarcely credible inability to see how much effect will follow so much cause; and yet the business of the assembly exhibiting this inability is that of dealing with causes and effects of an extremely involved kind. All the processes going on in society arise from the concurrences and conflicts of human actions, which are determined in their nature and amounts by the human constitution as it now is—are as much results of natural causation as any other results, and equally imply definite quantitative relations between causes and effects. Every legislative act presupposes a diagnosis and a prognosis; both of them involving estimations of social forces and the work done by them. Before it can be remedied, an evil must be traced to its source in the motives and ideas of men as they are, living under the social conditions which exist—a problem requiring that the actions tending toward the result shall be identified, and that there shall be something like a true idea of the quantities of their effects as well as the qualities. A further estimation has then to be made of the kinds and degrees of influence that will be exerted by the additional factors which the proposed law will set in motion: what will be the resultants produced by the new forces coöperating with preëxisting forces—a problem still more complicated than the other.

We are quite prepared to hear the unhesitating reply, that men incapable of forming an approximately true judgment on a matter of simple physical causation may yet be very good law-makers. So obvious will this be thought by most, that a tacit implication to the contrary will seem to them absurd; and that it will seem to them absurd is one of the many indications of the profound ignorance that prevails. It is true that mere empirical generalizations which men draw from their dealings with their fellows suffice to give them some ideas of the proximate effects which new enactments will work; and, seeing these, they think they see as far as needful. Discipline in physical

science, however, would help to show them the futility of calculating consequences based on such simple data. And if there needs proof that calculations of consequences so based are futile, we have it in the enormous labour annually entailed on the Legislature in trying to undo the mischiefs it has previously done.

Should any say that it is useless to dwell on this incompetency, seeing that the House of Commons contains the select of the nation, than whose judgments no better are to be had, we reply that there may be drawn two inferences which have important practical bearings. In the first place, we are shown how completely the boasted intellectual discipline of our upper classes fails to give them the power of following out in thought, with any correctness, the sequences of even simple phenomena, much less those of complex phenomena. And, in the second place, we may draw the corollary, that if the sequences of those complex phenomena which societies display, difficult beyond all others to trace out, are so unlikely to be understood by them, they may advantageously be restricted in their interferences with such sequences.

In one direction, especially, shall we see reason to resist the extension of legislative action. There has of late been urged the proposal that the class contemptuously described as dividing its energies between business and bethels shall have its education regulated by the class which might, with equal justice, be described as dividing its energies between club-rooms and game preserves. This scheme does not seem to us a hopeful one. Considering that during the last half century our society has been remoulded by ideas that have come from the proposed pupil, and have had to overcome the dogged resistance of the proposed teacher, the propriety of the arrangement is not obvious. And if the propriety of the arrangement is not obvious on the face of it, still less obvious does it become when the competency of

the proposed teacher comes to be measured. British intelligence, as distilled through the universities and re-distilled into the House of Commons, is a product admitting of such great improvement in quality, that we should be sorry to see the present method of manufacture extended and permanently established.

## POLITICAL FETICHISM.

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A Hindoo, who, before beginning his day's work, salaams to a bit of plastic clay, out of which, in a few moments, he has extemporized a god in his own image, is an object of amazement to the European. We read with surprise bordering on scepticism of worship done by machinery, and of prayers which owe their supposed efficacy to the motion given by the wind to the papers they are written on. When told how certain of the Orientals, if displeased with their wooden deities, take them down and beat them, men laugh and wonder.

Why should men wonder? Kindred superstitions are exhibited by their fellows every day—superstitions that are, indeed, not so gross, but are intrinsically of the same nature. There is an idolatry which, instead of carving the object of its worship out of dead matter, takes humanity for its raw material, and expects, by moulding a mass of this humanity into a particular form, to give it powers or properties quite different from those it had before it was moulded. In the one case as in the other, the raw material is, as much as may be, disguised. There are decorative appliances by which the savage helps himself to think that he has something more than wood before him; and the

citizen gives to the political agencies he has helped to create, such imposing externals and distinctive names expressive of power, as serve to strengthen his belief in the benefits prayed for. Some faint reflection of that "divinity" which "doth hedge a king" spreads down through every state department to the lowest ranks; so that, in the eyes of the people, even the policeman puts on along with his uniform a certain indefinable power. Nay, the mere dead symbols of authority excite reverence in spite of better knowledge. A legal form of words seems to have something especially binding in it; and there is a preternatural efficiency about a government stamp.

The parallelism is still more conspicuous between the persistency of faith in the two cases, notwithstanding perpetual disappointments. It is difficult to perceive how graven images, that have been thrashed for not responding to their worshipper's desires, should still be reverenced and petitioned; but the difficulty of conceiving this is diminished when we remember how, in their turns, all the idols in our political pantheon undergo castigations for failing to do what was expected of them, and are nevertheless daily looked up to in the trustful hope that future prayers will be answered. The stupidity, the slowness, the perversity, the dishonesty of officialism, in one or other of its embodiments, are demonstrated afresh in almost every newspaper that issues. Probably half the leading articles written have for texts some absurd official blunder, some exasperating official delay, some astounding official corruption, some gross official injustice, some incredible official extravagance. And yet these whippings, in which balked expectation continually vents itself, are immediately followed by renewed faith: the benefits that have not come are still hoped for, and prayers for others are put up. Along with proof that the old State-machines are in themselves inert, and owe such powers as they seem to have to the public opinion which sets their parts in motion, there are continually proposed

new State-machines of the same type as the old. This inexhaustible credulity is counted on by men of the widest political experience. Lord Palmerston, who probably knows his public better than any other man, lately said, in reply to a charge made in the House—"I am quite convinced that no person belonging to the government, in whatever department he may be, high or low, would be guilty of any breach of faith in regard to any matter confided to him." To assert as much in the face of facts continually disclosed, implies that Lord Palmerston knows well that men's faith in officialism survives all adverse evidence.

In which case are the hopes from State-agency realized? One might have thought that the vital interests at stake would have kept the all-essential apparatus for administering justice up to its work; but they do not. On the one hand, here is a man wrongly convicted, and afterward proved to be innocent, who is "pardoned" for an offence he did not commit; and has this as consolation for his unmerited suffering. On the other hand, here is a man whose grave delinquencies a Lord Chancellor overlooks, on partial restitution being made—nay, more, countenances the granting of a pension to him. Proved guilt is rewarded, while proved innocence is left without compensation for pains borne and fortunes blasted! This marvellous antithesis, if not often fully paralleled in the doings of officialism as administrator of justice, is, in endless cases, paralleled in part. The fact that imprisonment is the sentence on a boy for stealing a pennyworth of fruit, while thousands of pounds may be transferred from a public into a private purse without any positive punishment being adjudged, is an anomaly kept in countenance by numerous other judicial acts. Theoretically, the State is a protector of the rights of subjects; practically, the State continually plays the part of aggressor. Though it is a recognized principle of equity that he who makes a false charge shall pay the costs of the

defence, yet, until quite recently, the Crown has persisted in refusing to pay the costs of citizens against whom it has brought false charges. Nay, worse, deliberate attempts used to be made to establish charges by corrupt means. Within the memory of those now living, the Crown, in excise-prosecutions, bribed juries. When the verdict was for the Crown, the custom was to give double fees; and the practice was not put an end to until the counsel for a defendant announced in open court that the jury should have double fees if their verdict was for his client!

Not alone in the superior parts of our judicial apparatus is this ill-working of officialism so thrust on men's notice as to have become proverbial; not alone in the life-long delays and ruinous expenses which have made Chancery a word of dread; not alone in the extravagances of bankruptcy courts, which lead creditors carefully to shun them; not alone in that uncertainty which makes men submit to gross injustice rather than risk the still grosser injustice which the law will, as likely as not, inflict on them; but down through the lower divisions of the judicial apparatus are all kinds of failures and absurdities daily displayed. If may be fairly urged in mitigation of the sarcasms current respecting the police, that among so many men cases of misconduct and inefficiency must be frequent; but we might have expected the orders under which they act to be just and well considered. Very little inquiry shows that they are not. There is a story current that, in the accounts of an Irish official, a small charge for a telegram which an emergency had called for, was objected to at the head office in London, and, after a long correspondence, finally allowed, but with the understanding that in future no such item would be passed, unless the department in London had authorized it! We cannot vouch for this story, but we can vouch for one which gives credibility to it. A friend who had been robbed by his cook went to the police-office, detailed the case, gave good reasons for inferring the direction of her

flight, and requested the police to telegraph, that she might be intercepted. He was told, however, that they could not do this without authority; and this authority was not to be had without a long delay. The result was that the thief, who had gone to the place supposed, escaped, and has not since been heard of. Take another function assumed by the police—the regulation of traffic. Daily, all through London, ten thousand fast-going vehicles, with hard-pressed men of business in them, are stopped by a sprinkle of slow-going carts and wagons. Greater speed in these comparatively few carts and wagons, or limitation of them to early and late hours, would immensely diminish the evil. But, instead of dealing with these really great hinderances to traffic, the police deal with that which is practically no hindrance. Men with advertisement-boards were lately forbidden to walk about, on the groundless plea that they are in the way; and incapables, prevented thus from getting a shilling a day, were driven into the ranks of paupers and thieves. Worse cases may be observed. For years past there has been a feud between the police and the orange-girls, who are chased hither and thither because they are said to be obstructions to foot-passengers. Meanwhile, in some of the chief thoroughfares, may constantly be seen men standing with toys, which they delude children and their parents into buying by pretending that the toys make certain sounds which they themselves make; and when the police, quietly watching this obtainment of money under false pretences, are asked why they do not interfere, they reply that they have no orders. Admirable contrast! Trade dishonestly, and you may collect a small crowd on the pavement without complaint being made that you interrupt the traffic. Trade honestly, and you shall be driven from the pavement-edge as an impediment—shall be driven to dishonesty!

One might have thought that the notorious inefficiency of officialism as a protector against injustice would have

made men sceptical of its efficiency in other things. If here, where citizens have such intense interests in getting a function well discharged, they have failed through all these centuries in getting it well discharged—if this agency, which is in theory the guardian of each citizen, is in so many cases his enemy, that going to law is suggestive of impoverishment and possible ruin; it might have been supposed that officialism would scarcely be expected to work well where the interests at stake are less intense. But so strong is political fetichism, that neither these experiences, nor the parallel experiences which every state-department affords, diminish men's faith. For years past there has been thrust before them the fact that, of the funds of Greenwich Hospital, one-third goes to maintain the sailors, while two-thirds go in administration; but this and other such facts do not stop their advocacy of more public administrations. The parable of straining at gnats and swallowing camels they see absolutely paralleled by officialism, in the red-tape particularity with which all minute regulations are enforced, and the astounding carelessness with which the accounts of a whole department, like the Patent Office, are left utterly uncontrolled; and yet we continue to hear men propose government-audits as checks for mercantile companies! No diminution of confidence seems to result from disclosure of stupidities which even a wild imagination would scarcely have thought possible: instance the method of promotion lately made public, under which a clerk in one branch of a department takes the higher duties of some deceased superior clerk, without any rise of salary, while some clerk in another branch of the department gets the rise of salary without any increase in his responsibilities!

Endless as are these evils and absurdities, and surviving generation after generation as they do, spite of commissions and reports and debates, there is an annual crop of new schemes for government agencies which are expected

to work just as legislators propose they shall work. With a system of army-promotion which insures an organized incompetence, but which survives perpetual protests; with a notoriously ill-constituted admiralty, of which the doings are stock-subjects of ridicule; with a church that maintains effete formulas, notwithstanding almost universal repudiation of them; there are daily demands for more law-established appliances. With building acts under which arise houses less stable than those of the last generation; with coal-mine inspection that does not prevent coal-mine explosions; with railway inspection that has for its accompaniment plenty of railway accidents—with these and other such failures continually displayed, there still prevails what M. Guizot rightly calls that "gross delusion, a belief in the sovereign power of political machinery."

A great service would be done by any man who would analyze the legislation, say of the last half century, and compare the expected results of Acts of Parliament with their proved results. He might make it an instructive revelation by simply taking all the preambles, and observing how many of the evils to be rectified were evils produced by preceding enactments. His chief difficulty would be that of getting within any moderate compass the immense number of cases in which the benefits anticipated were not achieved, while unanticipated disasters were caused. And then he might effectively close his digest by showing what immense advantages have, in instance after instance, followed the entire cessation of legislative action. Not, indeed, that such an accumulation of cases, however multitudinous and however conclusive, would have an appreciable effect on the average mind. Political fetichism will continue so long as men remain without scientific discipline—so long as they recognize only proximate causes, and never think of the remoter and more general causes by which their special agencies are set in motion. Until the thing which now usurps the name of education

has been dethroned by a true education, having for its end to teach men the nature of the world they live in, new political delusions will grow up as fast as old ones are extinguished. But there is a select class existing, and a larger select class arising, on whom a work of the kind described would have an effect, and for whom it would be well worth while to write it.

## SPECIALIZED ADMINISTRATION.

[*First published in* The Fortnightly Review *for December* 1871.]

It is contrary to common-sense that fish should be more difficult to get at the sea-side than in London; but it is true, nevertheless. No less contrary to common-sense seems the truth that though, in the West Highlands, oxen are to be seen everywhere, no beef can be had without sending two or three hundred miles to Glasgow for it. Rulers who, guided by common-sense, tried to suppress certain opinions by forbidding the books containing them, never dreamed that their interdicts would cause the diffusion of these opinions; and rulers who, guided by common-sense, forbade excessive rates of interest, never dreamed that they were thereby making the terms harder for borrowers than before. When printing replaced copying, any one who had prophesied that the number of persons engaged in the manufacture of books would immensely increase, as a consequence, would have been thought wholly devoid of common-sense. And equally devoid of common-sense would have been thought any one who, when railways were displacing coaches, said that the number of horses employed in bringing passengers and goods to and from railways, would be greater than the number directly displaced by railways. Such cases might

be multiplied. Whoso remembers that, among quite simple phenomena, causes produce effects which are sometimes utterly at variance with anticipation, will see how frequently this must happen among complex phenomena. That a balloon is made to rise by the same force which makes a stone fall; that the melting of ice may be greatly retarded by wrapping the ice in a blanket; that the simplest way of setting potassium on fire is to throw it into the water; are truths which those who know only the outside aspect of things would regard as manifest falsehoods. And, if, when the factors are few and simple, the results may be so absolutely opposed to seeming probability, much more will they be often thus opposed when the factors are many and involved. The saying of the French respecting political events, that "it is always the unexpected which happens"—a saying which they have been abundantly re-illustrating of late—is one which legislators, and those who urge on schemes of legislation, should have ever in mind. Let us pause a moment to contemplate a seemingly-impossible set of results which social forces have wrought out.

Up to quite recent days, Language was held to be of supernatural origin. That this elaborate apparatus of symbols, so marvellously adapted for the conveyance of thought from mind to mind, was a miraculous gift, seemed unquestionable. No possible alternative way could be thought of by which there had come into existence these multitudinous assemblages of words of various orders, genera, and species, moulded into fitness for articulating with one another, and capable of being united from moment to moment into ever-new combinations, which represent with precision each idea as it arises. The supposition that, in the slow progress of things, Language grew out of the continuous use of signs—at first mainly mimetic, afterward partly mimetic, partly vocal, and at length almost wholly vocal—was an hypothesis never even conceived by men in early stages of civilization; and when

the hypothesis was at length conceived, it was thought too monstrous an absurdity to be even entertained. Yet this monstrous absurdity proves to be true. Already the evolution of Language has been traced back far enough to show that all its particular words, and all its leading traits of structure, have had a natural genesis; and day by day investigation makes it more manifest that its genesis has been natural from the beginning. Not only has it been natural from the beginning, but it has been spontaneous. No language is a cunningly-devised scheme of a ruler or body of legislators. There was no council of savages to invent the parts of speech, and decide on what principles they should be used. Nay, more. Going on without any authority or appointed regulation, this natural process went on without any man observing that it was going on. Solely under pressure of the need for communicating their ideas and feelings—solely in pursuit of their personal interests—men little by little developed speech in absolute unconsciousness that they were doing any thing more than pursuing their personal interests. Even now the unconsciousness continues. Take the whole population of the globe, and there is probably not above one in a million who knows that in his daily talk he is carrying on the process by which Language has been evolved.

I commence thus by way of giving the key-note to the argument which follows. My general purpose, in dwelling a moment on this illustration, has been that of showing how utterly beyond the conceptions of common-sense, literally so called, and even beyond the conceptions of cultivated common-sense, are the workings-out of sociological processes—how these workings-out are such that even those who have carried to the uttermost "the scientific use of the imagination," would never have anticipated them. And my more special purpose has been that of showing how marvellous are the results indirectly and

unintentionally achieved by the coöperation of men who are severally pursuing their private ends. Let me pass now to the particular topic to be here dealt with.

I have greatly regretted to see Prof. Huxley strengthening, by his deservedly high authority, a school of politicians which can scarcely be held to need strengthening: its opponents being so few. I regret it the more because, thus far, men prepared for the study of Sociology by previous studies of Biology and Psychology, have scarcely expressed any opinions on the question at issue; and that Prof. Huxley, who by both general and special culture is so eminently fitted to judge, should have come to the conclusions set forth in the last number of the *Fortnightly Review*, will be discouraging to the small number who have reached opposite conclusions. Greatly regretting however, though I do, this avowed antagonism of Prof. Huxley to a general political doctrine with which I am identified, I do not propose to make any reply to his arguments at large: being deterred partly by reluctance to dwell on points of difference with one whom I so greatly admire, and partly by the consciousness that what I should say would be mainly a repetition of what I have explicitly or implicitly said elsewhere. But with one point raised I feel obliged to deal. Prof. Huxley tacitly puts to me a question. By so doing he leaves me to choose between two alternatives, neither of which is agreeable to me. I must either, by leaving it unanswered, accept the implication that it is unanswerable, and the doctrine I hold untenable; or else I must give it an adequate answer. Little as I like it, I see that the latter of these alternatives is that which, on public as well as on personal grounds, I must accept.

Had I been allowed to elaborate more fully the Review-article from which Prof. Huxley quotes, this question would possibly not have been raised. That article closes

with the following words:—"We had hoped to say something respecting the different types of social organization, and something also on social metamorphoses; but we have reached our assigned limits." These further developments of the conception—developments to be hereafter set forth in the *Principles of Sociology*—I must here sketch in outline before my answer can be made intelligible. In sketching them, I must say much that would be needless were my answer addressed to Prof. Huxley only. Bare allusions to general phenomena of organization, with which he is immeasurably more familiar than I am, would suffice. But, as the sufficiency of my answer has to be judged by the general reader, the general reader must be supplied with the requisite data: my presentation of them being under correction from Prof. Huxley if it is inaccurate.

The primary differentiation in organic structures, manifested alike in the history of each organism and in the history of the organic world as a whole, is the differentiation between outer and inner parts—the parts which hold direct converse with the environment and the parts which do not hold direct converse with the environment. We see this alike in those smallest and lowest forms improperly, though suggestively, sometimes called unicellular, and also in the next higher division of creatures which, with considerable reason, are regarded as aggregations of the lower. In these creatures the body is divisible into endoderm and ectoderm, differing very little in their characters, but serving the one to form the digestive sac, and the other to form the outer wall of the body. As Prof. Huxley describes them in his *Oceanic Hydrozoa*, these layers represent respectively the organs of nutrition and the organs of external relation—generally, though not universally; for there are exceptions, especially among parasites. In the embryos of higher types, these two layers severally become double by the splitting of a layer formed between

them; and from the outer double layer is developed the body-wall with its limbs, nervous system, senses, muscles, etc.; while from the inner double layer there arise the alimentary canal and its appendages, together with the heart and lungs. Though in such higher types these two systems of organs, which respectively absorb nutriment and expend nutriment, become so far connected by ramifying blood-vessels and nerves that this division cannot be sharply made, still the broad contrast remains. At the very outset, then, there arises this separation, which implies at once a coöperation and an antagonism—a co-operation, because, while the outer organs secure for the inner organs the crude food, the inner organs elaborate and supply to the outer organs the prepared materials by which they are enable to do their work; and an antagonism, because each set of organs, living and growing at the cost of these prepared materials, cannot appropriate any portion of the total supply without diminishing by so much the supply available for the other. This general coöperation and general antagonism becomes complicated with special coöperations and special antagonisms, as fast as these two great systems of organs develop. The originally simple alimentary canal, differentiating into many parts, becomes a congeries of structures which, by coöperation, fulfil better their general function, but between which there nevertheless arise antagonisms; since each has to make good its waste and to get matter for growth, at the cost of the general supply of nutriment available for them all. Similarly, as fast as the outer system develops into special senses and limbs, there arise among these, also, secondary coöperations and secondary antagonisms. By their variously-combined actions, food is obtained more effectually; and yet the activity of each set of muscles, or each directive nervous structure, entails a draft upon the stock of prepared nutriment which the outer organs receive, and is by so much at the cost of the rest. Thus the method of

organization, both in general and in detail, is a simultaneous combination and opposition. All the organs unite in subserving the interests of the organism they form; and yet they have all their special interests, and compete with one another for blood.

A form of government, or control, or coördination, develops as fast as these systems of organs develop. Eventually this becomes double. A general distinction arises between the two controlling systems belonging to the two great systems of organs. Whether the inner controlling system is or is not originally derived from the outer, matters not to the argument—when developed it is in great measure independent.* If we contemplate their respective sets of functions. we shall perceive the origin of this distinction. That the outer organs may coöperate effectively for the purposes of catching prey, escaping danger, etc., it is needful that they should be under a government capable of directing their combined actions, now in this way and now in that, according as outer circumstances vary. From instant to instant there must be quick adjustments to occasions that are more or less new; and hence there requires a complex and centralized nervous apparatus, to which all these organs are promptly and completely obedient. The government needful for the

* Here, and throughout the discussion, I refer to these controlling systems only as they exist in the *Vertebrata*, because their relations are far better known in this great division of the animal kingdom—not because like relations do not exist elsewhere. Indeed, in the great sub-kingdom *Annulosa*, these controlling systems have relations that are extremely significant to us here. For while an inferior annulose animal has only a single set of nervous structures, a superior annulose animal (as a moth) has a set of nervous structures presiding over the viscera, as well as a more conspicuous set presiding over the organs of external relation. And this contrast is analogous to one of the contrasts between undeveloped and developed societies; for, while among the uncivilized and incipiently civilized there is but a single set of directive agencies, there are among the fully civilized, as we shall presently see, two sets of directive agencies, for the outer and inner structures respectively.

inner system of organs is a different and much simpler one. When the food obtained by the outer organs has been put into the stomach, the coöperation required of the viscera, though it varies somewhat as the quantity or kind of food varies, has nevertheless a general uniformity; and it is required to go on in much the same way whatever the outer circumstances may be. In each case the food has to be reduced to a pulp, supplied with various solvent secretions, propelled onward, and its nutritive part taken up by absorbent surfaces. That these processes may be effective, the organs which carry them on must be supplied with fit blood; and to this end the heart and the lungs have to act with greater vigor. This visceral coöperation, carried on with this comparative uniformity, is regulated by a nervous system which is to a large extent independent of that higher and more complex nervous system controlling the external organs. The act of swallowing is, indeed, mainly effected by the higher nervous system; but, being swallowed, the food affects by its presence the local nerves, through them the local ganglia, and indirectly, through nervous connexions with other ganglia, excites the rest of the viscera into coöperative activity. It is true that the functions of the sympathetic or ganglionic nervous system, or "nervous system of organic life," as it is otherwise called, are imperfectly understood. But, since we know positively that some of its plexuses, as the cardiac, are centres of local stimulation and coördination, which can act independently, though they are influenced by higher centres, it is fairly to be inferred that the other and still larger plexuses, distributed among the viscera, are also such local and largely independent centres; especially as the nerves they send into the viscera, to join the many subordinate ganglia distributed through them, greatly exceed in quantity the cerebro-spinal fibres accompanying them. Indeed, to suppose otherwise is to leave unanswered the question—What are their functions? as well as the

question—How are these unconscious visceral coödinations effected? There remains only to observe the kind of co-operation which exists between the two nervous systems. This is both a general and a special coöperation. The general coöperation is that by which either system of organs is enabled to stimulate the other to action. The alimentary canal yields through certain nervous connexions the sensation of hunger to the higher nervous system; and so prompts efforts for procuring food. Conversely, the activity of the nervo-muscular system, or, at least, its normal activity, sends inward to the cardiac and other plexuses a gush of stimulus which excites the viscera to action. The special coöperation is one by which it would seem that each system puts an indirect restraint on the other. Fibres from the sympathetic accompany every artery throughout the organs of external relation, and exercise on the artery a constrictive action; and the converse is done by certain of the cerebro-spinal fibres which ramify with the sympathetic throughout the viscera: through the vagus and other nerves, an inhibitory influence is exercised on the heart, intestines, pancreas, etc. Leaving doubtful details, however, the fact which concerns us here is sufficiently manifest. There are, for these two systems of organs, two nervous systems, in great measure independent; and, if it is true that the higher system influences the lower, it is no less true that the lower very powerfully influences the higher. The restrictive action of the sympathetic upon the circulation, throughout the nervo-muscular system, is unquestionable; and it is possibly through this that, when the viscera have much work to do, the nervo-muscular system is incapacitated in so marked a manner.*

The one further fact here concerning us is the contrast

* To meet the probable objection that the experiments of Bernard, Ludwig, and others, show that in the case of certain glands the nerves of the cerebro-spinal system are those which set up the secreting process, I would remark that in these cases, and in many others where the relative functions of the cerebro-spinal nerves and the sympathetic nerves have been studied, the

presented in different kinds of animals, between the degrees of development of these two great sets of structures that carry on respectively the outer functions and the inner functions. There are active creatures in which the locomotive organs, the organs of sense, together with the nervous apparatus which combines their actions, bear a large ratio to the organs of alimentation and their appendages; while there are inactive creatures in which these organs of external relation bear a very small ratio to the organs of alimentation. And a remarkable fact, here especially instructive to us, is that very frequently there occurs a metamorphosis, which has for its leading trait a great change in the ratio of these two systems—a metamorphosis which accompanies a great change in the mode of life. The most familiar metamorphosis is variously illustrated among insects. During the early or larval stage of a butterfly, the organs of alimentation are largely developed, while the organs of external relation are but little developed; and then, during a period of quiescence, the organs of external relation undergo an immense development, making possible the creature's active and varied adjustments to the surrounding world, while the alimentary system becomes relatively small. On the other hand, among the lower invertebrate animals there is a very common metamorphosis of an opposite kind. When young, the creature, with scarcely any alimentary system, but supplied

organs have been those in which *sensation* is either the stimulus to activity or its accompaniment; and that from these cases no conclusion can be drawn applying to the cases of those viscera which normally perform their functions without sensation. Perhaps it may even be that the functions of those sympathetic fibres which accompany the arteries of the outer organs are simply ancillary to those of the central parts of the sympathetic system, which stimulate and regulate the viscera—ancillary in this sense, that they check the diffusion of blood in external organs when it is wanted in internal organs: cerebro-spinal inhibition (except in its action on the heart) working the opposite way. And possibly this is the instrumentality for carrying on that competition for nutriment which, as we saw, arises at the very outset between these two great systems of organs.

with limbs and sense organs, swims about actively. Presently it settles in a *habitat* where food is to be obtained without moving about, loses in great part its organs of external relation, develops its visceral system, and, as it grows, assumes a nature utterly unlike that which it originally had—a nature adapted almost exclusively to alimentation and the propagation of the species.

Let us turn now to the social organism, and the analogies of structure and function which may be traced in it. Of course these analogies between the phenomena presented in a physically coherent aggregate forming an individual, and the phenomena presented in a physically incoherent aggregate of individuals distributed over a wide area, cannot be analogies of a visible or sensible kind; but can only be analogies between the systems, or methods, of organization. Such analogies as exist result from the one unquestionable community between the two organizations: *there is in both a mutual dependence of parts.* This is the origin of all organization; and determines what similarities there are between an individual organism and a social organism. Of course the similarities thus determined are accompanied by transcendent differences, determined, as above said, by the unlikenesses of the aggregates. One cardinal difference is that, while in the individual organism there is but one centre of consciousness capable of pleasure or pain, there are, in the social organism, as many such centres as there are individuals, and the aggregate of them has no consciousness of pleasure or pain—a difference which entirely changes the ends to be pursued. Bearing in mind this qualification, let us now glance at the parallelisms indicated.

A society, like an individual, has a set of structures fitting it to act upon its environment—appliances for attack and defence, armies, navies, fortified and garrisoned places. At the same time, a society has an industrial organization

which carries on all those processes that make possible the national life. Though these two sets of organs for external activity and internal activity do not bear to one another just the same relation which the outer and inner organs of an animal do (since the industrial structures in a society supply themselves with raw materials, instead of being supplied by the external organs), yet they bear a relation otherwise similar. There is at once a coöperation and an antagonism. By the help of the defensive system the industrial system is enabled to carry on its functions without injury from foreign enemies; and by the help of the industrial system, which supplies it with food and materials, the defensive system is enabled to maintain this security. At the same time the two systems are opposed in so far that they both depend for their existence upon the common stock of produce. Further, in the social organism, as in the individual organism, this primary coöperation and antagonism subdivides into secondary coöperations and antagonisms. If we look at the industrial organization, we see that its agricultural part and its manufacturing part aid one another by the exchange of their products, and are yet otherwise opposed to one another; since each takes of the other's products the most it can get in return for its own products. Similarly throughout the manufacturing system itself. Of the total returns secured by Manchester for its goods, Liverpool obtains as much as possible for the raw material, and Manchester gives as little as possible—the two at the same time coöperating in secreting for the rest of the community the woven fabrics it requires, and in jointly obtaining from the rest of the community the largest payment in other commodities. And thus it is in all kinds of direct and indirect ways throughout the industrial structures. Men prompted by their own needs as well as those of their children, and bodies of such men more or less aggregated, are quick to find every unsatisfied need of their fellow-men, and to

satisfy it in return for the satisfaction of their own needs; and the working of this process is inevitably such that the strongest need, ready to pay the most for satisfaction, is that which draws most workers to satisfy it, so that there is thus a perpetual balancing of the needs and of the appliances which subserve them.

This brings us to the regulative structures under which these two systems of coöperating parts work. As in the individual organism, so in the social organism, the outer parts are under a rigorous central control. For adjustment to the varying and incalculable changes in the environment, the external organs, offensive and defensive, must be capable of prompt combination; and that their actions may be quickly combined to meet each exigency as it arises, they must be completely subordinated to a supreme executive power: armies and navies must be despotically controlled. Quite otherwise is it with the regulative apparatus required for the industrial system. This, which carries on the nutrition of a society, as the visceral system carries on the nutrition of an individual, has a regulative apparatus in great measure distinct from that which regulates the external organs. It is not by any "order in council" that farmers are determined to grow so much wheat and so much barley, or to divide their land in due proportion between arable and pasture. There requires no telegram from the Home Office to alter the production of woollens in Leeds, so that it may be properly adjusted to the stocks on hand and the forthcoming crop of wool. Staffordshire produces its due quantity of pottery, and Sheffield sends out cutlery with rapidity adjusted to the consumption, without any legislative stimulus or restraint. The spurs and checks to production which manufacturers and manufacturing centres receive, have quite another origin. Partly by direct orders from distributors and partly by the indirect indications furnished by the market reports throughout the kingdom, they are prompted to

secrete actively or to diminish their rates of secretion. The regulative apparatus by which these industrial organs are made to coöperate harmoniously, acts somewhat as the sympathetic does in a vertebrate animal. There is a system of communications among the great producing and distributing centres, which excites or retards as the circumstances vary. From hour to hour messages pass between all the chief provincial towns, as well as between each of them and London; from hour to hour prices are adjusted, supplies are ordered hither or thither, and capital is drafted from place to place, according as there is greater or less need for it. All this goes on without any ministerial overseeing—without any dictation from those executive centres which combine the actions of the outer organs. There is, however, one all-essential influence which these higher centres exercise over the industrial activities—a restraining influence which prevents aggression, direct and indirect. The condition under which only these producing and distributing processes can go on healthfully, is that, wherever there is work and waste, there shall be a proportionate supply of materials for repair. And securing this is nothing less than securing fulfilment of contracts. Just in the same way that a bodily organ which performs function, but is not adequately paid in blood, must dwindle, and the organism as a whole eventually suffer; so an industrial centre which has made and sent out its special commodity, but does not get adequately paid in other commodities, must decay. And when we ask what is requisite to prevent this local innutrition and decay, we find the requisite to be that agreements shall be carried out; that goods shall be paid for at the stipulated prices; that justice shall be administered.

One further leading parallelism must be described—that between the metamorphoses which occur in the two cases. These metamorphoses are analogous in so far that

they are changes in the ratios of the inner and outer systems of organs; and also in so far as they take place under analogous conditions. At the one extreme we have that small and simple type of society which a wandering horde of savages presents. This is a type almost wholly predatory in its organization. It consists of little else than a coöperative structure for carrying on warfare—the industrial part is almost absent, being represented only by the women. When the wandering tribe becomes a settled tribe, an industrial organization begins to show itself—especially where, by conquest, there has been obtained a slave-class that may be forced to labour. The predatory structure, however, still for a long time predominates. Omitting the slaves and the women, the whole body politic consists of parts organized for offence and defence, and is efficient in proportion as the control of them is centralized. Communities of this kind, continuing to subjugate their neighbours, and developing an organization of some complexity, nevertheless retain a mainly-predatory type, with just such industrial structures as are needful for supporting the offensive and defensive structures. Of this Sparta furnished a good example. The characteristics of such a social type are these—that each member of the ruling race is a soldier; that war is the business of life; that every one is subject to a rigorous discipline fitting him for this business; that centralized authority regulates all the social activities, down to the details of each man's daily conduct; that the welfare of the State is every thing, and that the individual lives for public benefit. So long as the environing societies are such as necessitate and keep in exercise the militant organization, these traits continue; but when, mainly by conquest and the formation of large aggregates, the militant activity becomes less constant, and war ceases to be the occupation of every free man, the industrial structures begin to predominate. Without tracing the transition, it will suffice to take, as a sample

of the pacific or industrial type, the Northern States of America before the late war. Here military organization had almost disappeared; the infrequent local assemblings of militia had turned into occasions for jollity, and every thing martial had fallen into contempt. The traits of the pacific or industrial type are these—that the central authority is relatively feeble; that it interferes scarcely at all with the private actions of individuals; and that the State, instead of being that for the benefit of which individuals exist, has become that which exists for the benefit of individuals.

It remains to add that this metamorphosis, which takes place in societies along with a higher civilization, very rapidly retrogrades if the surrounding conditions become unfavorable to it. During the late war in America, Mr. Seward's boast—"I touch this bell, and any man in the remotest State is a prisoner of the Government" (a boast which was not an empty one, and which was by many of the Republican party greatly applauded)—shows us how rapidly, along with militant activities, there tends to be resumed the needful type of centralized structure; and how there quickly grow up the corresponding sentiments and ideas. Our own history since 1815 has shown a double change of this kind. During the thirty years' peace, the militant organization dwindled, the military sentiment greatly decreased, the industrial organization rapidly developed, the assertion of the individuality of the citizen became more decided, and many restrictive and despotic regulations were got rid of. Conversely, since the revival of militant activities and structures on the Continent, our own offensive and defensive structures have been re-developing; and the tendency toward increase of that centralized control which accompanies such structures has become marked.

And now, closing this somewhat elaborate introduction,

I am prepared to deal with the question put to me. Prof. Huxley, after quoting some passages from that essay on the "Social Organism" which I have supplemented in the foregoing paragraphs; and after expressing a qualified concurrence which I greatly value as coming from so highly fitted a judge, proceeds, with characteristic acumen, to comment on what seems an incongruity between certain analogies set forth in that essay, and the doctrine I hold respecting the duty of the State. Referring to a passage in which I have described the function of the individual brain as "that of *averaging* the interests of life, physical, intellectual, moral, social," and have compared it to the function of Parliament as "that of *averaging* the interests of the various classes in a community," adding that "a good Parliament is one in which the parties answering to these respective interests are so balanced that their united legislation concedes to each class as much as consists with the claims of the rest;" Prof. Huxley proceeds to say :—

"All this appears to be very just. But if the resemblances between the body physiological and the body politic are any indication, not only of what the latter is, and how it has become what it is, but what it ought to be, and what it is tending to become, I cannot but think that the real force of the analogy is totally opposed to the negative view of State function.

"Suppose that, in accordance with this view, each muscle were to maintain that the nervous system had no right to interfere with its contraction, except to prevent it from hindering the contraction of another muscle; or each gland, that it had a right to secrete, so long as its secretion interfered with no other; suppose every separate cell left free to follow its own "interests," and *laissez-faire* Lord of all, what would become of the body physiological?"

On this question the remark I have first to make is, that if I held the doctrine of M. Proudhon, who deliberately named himself an "anarchist," and if along with this doctrine I held the above-indicated theory of social structures and functions, the inconsistency implied by the question put would be clear, and the question would be unanswerable. But since I entertain no such view as that of Proudhon—since I hold that within its proper limits govern-

mental action is not simply legitimate but all-important—I do not see how I am concerned with a question which tacitly supposes that I deny the legitimacy and the importance. Not only do I contend that the restraining power of the State over individuals, and bodies or classes of individuals, is requisite, but I have contended that it should be exercised much more effectually, and carried out much further, than at present.* And as the maintenance of this control implies the maintenance of a controlling apparatus, I do not see that I am placed in any difficulty when I am asked what would happen were the controlling apparatus forbidden to interfere. Further, on this general aspect of the question I have to say that, by comparing the deliberative assembly of a nation to the deliberative nervous centre of a vertebrate animal, as respectively averaging the interests of the society and of the individual, and as both doing this through processes of representation, I do not mean to *identify* the two sets of interests; for these in a society (or at least a peaceful society) refer mainly to interior actions, while in an individual creature they refer mainly to exterior actions. The "interests" to which I refer, as being averaged by a representative governing body, are the conflicting interests between class and class, as well as between man and man—conflicting interests the balancing of which is nothing but the preventing of aggression and the administration of justice.

I pass now from this general aspect of the question, which does not concern me, to a more special aspect which does concern me. Dividing the actions of governing structures, whether in bodies individual or bodies politic, into the *positively regulative* and the *negatively regulative*, or those which stimulate and direct, as distinguished from those which simply restrain, I may say that if there is raised the question—What will happen when the controlling

* See *Social Statics* chap. xxi., "The Duty of the State." See also essay on "Over-Legislation."

apparatus does not act? there are quite different replies according as one or other system of organs is referred to. If, in the individual body, the muscles were severally independent of the deliberative and executive centres, utter impotence would result: in the absence of muscular coördination, there would be no possibility of standing, much less of acting on surrounding things, and the body would be a prey to the first enemy. Properly to combine the actions of these outer organs, the great nervous centres must exercise functions that are both positively regulative and negatively regulative—must both command action and arrest action. Similarly with the outer organs of a political body. Unless the offensive and defensive structures can be despotically commanded by a central authority, there cannot be those prompt combinations and adjustments required for meeting the variable actions of external enemies. But if, instead of asking what would happen supposing the outer organs in either case were without control from the great governing centres, we ask what would happen were the inner organs (the industrial and commercial structures in the one case, and the alimentary and distributive in the other) without such control, the answer is quite different. Omitting the respiratory and some minor ancillary parts of the individual organism, to which the social organism has nothing analogous; and limiting ourselves to absorptive, elaborative, and distributive structures, which are found in both; it may, I think, be successfully contended that in neither the one case nor the other do they require the positively regulative control of the great governing centres, but only the negatively regulative. Let us glance at the facts.*

Digestion and circulation go on very well in lunatics

* Lest there should be any misunderstanding of the terms *positively regulative* and *negatively regulative*, let me briefly illustrate them. If a man has land, and I either cultivate it for him, partially or wholly, or dictate any or all of his modes of cultivation, my action is positively regulative; but if, leaving him absolutely unhelped and unregulated in his farming, I simply

and idiots, though the higher nervous centres are either deranged or partly absent. The vital functions proceed properly during sleep, though less actively than when the brain is at work. In infancy, while the cerebro-spinal system is almost incapable, and cannot even perform such simple actions as those of commanding the sphincters, the visceral functions are active and regular. Nor in an adult does that arrest of cerebral action shown by insensibility, or that extensive paralysis of the spinal system which renders all the limbs immovable, prevent these functions from being carried on for a considerable time; though they necessarily begin to flag in the absence of the demand which an active system of outer organs makes upon them. These internal organs are, indeed, so little under the positively directive control of the great nervous centres, that their independence is often very inconvenient. No mandate sent into the interior stops an attack of diarrhœa; nor, when an indigestible meal excites the circulation at night, and prevents sleep, will the bidding of the brain cause the heart to pulsate more quietly. It is doubtless true that these vital processes are modified in important ways, both by general stimulation and by inhibition, from the cerebro-spinal system; but that they are mainly independent cannot, I think, be questioned. The facts that peristaltic motion of the intestines can go on when their nervous connexions are cut, and that the heart (in cold-blooded vertebrates, at least) continues to pulsate for some time after being detached from the body, make it manifest that the spontaneous activities of these vital organs subserve the wants of the body at large without direction from its higher governing centres. And this is made even

prevent him from taking his neighbour's crops, or from making approach-roads over his neighbour's land, or from depositing rubbish upon it, my action is negatively regulative. There is a tolerably sharp distinction between the act of securing a citizen's ends for him or interfering with his mode of securing them, and the act of checking him when he interferes with another citizen in the pursuit of his ends.

more manifest if it be a fact, as alleged by Schmulewitsch experimenting under Ludwig's direction, that, under duly-adjusted conditions, the secretion of bile may be kept up for some time when blood is passed through the excised liver of a newly-killed rabbit. There is an answer, not, I think, unsatisfactory, even to the crucial part of the question—"Suppose every separate cell left free to follow its own interests, and *laissez faire* Lord of all, what would become of the body physiological?" Limiting the application of this question in the way above shown to the organs and parts of organs which carry on vital actions, it seems to me that much evidence may be given for the belief that, when they follow their respective "interests" (limited here to growing and multiplying), the general welfare will be tolerably well secured. It was proved by Hunter's experiments on a kite and a sea-gull, that a part of the alimentary canal which has to triturate harder food than that which the creature naturally eats, acquires a thicker and harder lining. When a stricture of the intestine impedes the passage of its contents, the muscular walls of the intestine above, thicken and propel the contents with greater force. When there is somewhere in the course of the circulation a serious resistance to the passage of blood, there habitually occurs hypertrophy of the heart, or thickening of its muscular walls; giving it greater power to propel the blood. And similarly, when the duct through which it discharges its contents is obstructed, the gall-bladder thickens and strengthens. These changes go on without any direction from the brain—without any consciousness that they are going on. They are effected by the growth, or multiplication, or adaptation, of the local units, be they cells or fibres, which results from the greater action or modified action thrown upon them. The only pre-requisite to this spontaneous adaptive change is, that these local units shall be supplied with extra blood in proportion as they perform extra function—a pre-requisite answering to that secured

by the administration of justice in a society; namely, that more work shall bring more pay. If, however, direct proof be called for that a system of organs may, by carrying on their several independent activities uncontrolled, secure the welfare of the aggregate they form, we have it in that extensive class of creatures which do not possess any nervous systems at all; and which nevertheless show, some of them, considerable degrees of activity. The Oceanic Hydrozoa supply good examples. Notwithstanding "the multiplicity and complexity of the organs which some of them possess," these creatures have no nervous centres—no regulative apparatus by which the actions of their organs are coördinated. One of their higher kinds is composed of different parts distinguished as cœnosarc, polypites, tentacles, hydrocysts, nectocalyces, genocalyces, etc., and each of these different parts is composed of many partially-independent units—thread-cells, ciliated cells, contractile fibres, etc.; so that the whole organism is a group of heterogeneous groups, each one of which is itself a more or less heterogeneous group. And, in the absence of a nervous system, the arrangement must necessarily be such that these different units, and different groups of units, severally pursuing their individual lives without positive direction from the rest, nevertheless do, by virtue of their constitutions, and the relative positions into which they have grown, coöperate for the maintenance of one another and the entire aggregate. And if this can be so with a set of organs that are not connected by nerves, much more can it be so with a set of organs which, like the viscera of a higher animal, have a special set of nervous communications for exciting one another to coöperation.

Let us turn now to the parallel classes of phenomena which the social organism presents. In it, as in the individual organism, we find that while the system of external organs must be rigorously subordinated to a great governing centre which positively regulates it, the system

of internal organs needs no such positive regulation. The production and interchange by which the national life is maintained, go on as well while Parliament is not sitting as while it is sitting. When the members of the Ministry are following grouse or stalking deer, Liverpool imports, Manchester manufactures, London distributes, just as usual. All that is needful for the normal performance of these internal social functions is, that the restraining or inhibitory structures shall continue in action: these activities of individuals, corporate bodies, and classes, must be carried on in such ways as not to transgress certain conditions, necessitated by the simultaneous carrying on of other activities. So long as order is maintained, and the fulfilment of contracts is everywhere enforced—so long as there is secured to each citizen, and each combination of citizens, the full return agreed upon for work done or commodities produced; and so long as each may enjoy what he obtains by labour, without trenching on his neighbour's like ability to enjoy; these functions will go on healthfully—more healthfully, indeed, than when regulated in any other way. Fully to recognize this fact, it is needful only to look at the origins and actions of the leading industrial structures. We will take two of them, the most remote from one another in their natures.

The first shall be those by which food is produced and distributed. In the fourth of his *Introductory Lectures on Political Economy*, Archbishop Whately remarks that:—

"Many of the most important objects are accomplished by the joint agency of persons who never think of them, nor have any idea of acting in concert; and that, with a certainty, completeness, and regularity, which probably the most diligent benevolence, under the guidance of the greatest human wisdom, could never have attained."

To enforce this truth he goes on to say:—"Let any one propose to himself the problem of supplying with daily provisions of all kinds such a city as our metropolis, containing above a million of inhabitants." And then he points out the many immense difficulties of the task

caused by inconstancy in the arrival of supplies; by the perishable nature of many of the commodities; by the fluctuating number of consumers; by the heterogeneity of their demands; by variations in the stocks, immediate and remote, and the need for adjusting the rate of consumption; and by the complexity in the process of distribution required to bring due quantities of these many commodities to the homes of all citizens. And, having dwelt on these many difficulties, he finishes his picture by saying:—

"Yet this object is accomplished far better than it could be by any effort of human wisdom, through the agency of men who think each of nothing beyond his own immediate interest—who, with that object in view, perform their respective parts with cheerful zeal—and combine unconsciously to employ the wisest means for effecting an object, the vastness of which it would bewilder them even to contemplate."

But though the far-spreading and complex organization by which foods of all kinds are produced, prepared, and distributed throughout the entire kingdom, is a natural growth and not a State-manufacture; though the State does not determine where and in what quantities cereals and cattle and sheep shall be reared; though it does not arrange their respective prices so as to make supplies last until fresh supplies can come; though it has done nothing toward causing that great improvement of quality which has taken place in food since early times; though it has not the credit of that elaborate apparatus by which bread, and meat, and milk, come round to our doors with a daily pulse that is as regular as the pulse of the heart; yet the State has not been wholly passive. It has from time to time done a great deal of mischief. When Edward I. forbade all towns to harbour forestallers, and when Edward VI. made it penal to buy grain for the purpose of selling it again, they were preventing the process by which consumption is adjusted to supply: they were doing all that could be done to insure alternations of abundance and starvation. Similarly with the many legislative attempts

since made to regulate one branch or other of the food-industry, down to the corn-law sliding-scale of odious memory. For the marvellous efficiency of this organization we are indebted to private enterprise; while the derangements of it we owe to the positively-regulative action of the Government. Meanwhile, its negatively-regulative action, required to keep this organization in order, Government has not duly performed. A quick and costless remedy for breach of contract, when a trader sells, as the commodity asked for, what proves to be wholly or in part some other commodity, is still wanting.

Our second case shall be the organization which so immensely facilitates commerce by transfers of claims and credits. Banks were not inventions of rulers or their counsellors. They grew up by small stages out of the transactions of traders with one another. Men who for security deposited money with goldsmiths, and took receipts; goldsmiths who began to lend out at interest the moneys left with them, and then to offer interest at lower rates to those who would deposit money; were the founders of them. And when, as presently happened, the receipt-notes became transferable by indorsement, banking commenced. From that stage upward the development, notwithstanding many hinderances, has gone on naturally. Banks have sprung up under the same stimulus which has produced all other kinds of trading bodies. The multiplied forms of credit have been gradually differentiated from the original form; and while the banking system has spread and become complex, it has also become consolidated into a whole by a spontaneous process. The clearing-house, which is a place for carrying on the banking between bankers, arose unobtrusively out of an effort to economize time and money. And when, in 1862, Sir John Lubbock —not in his legislative capacity but in his capacity as banker—succeeded in extending the privileges of the clearing-house to country banks, the unification was made

perfect; so that now the transactions of any trader in the kingdom with any other may be completed by the writing off and balancing of claims in bankers' books. This natural evolution, be it observed, has reached with us a higher phase than has been reached where the positively-regulative control of the State is more decided. They have no clearing-house in France; and in France the method of making payments by checks, so dominant among ourselves, is very little employed and in an imperfect way. I do not mean to imply that in England the State has been a mere spectator of this development. Unfortunately, it has from the beginning had relations with banks and bankers: not much, however, to their advantage, or that of the public. The first kind of deposit-bank was in some sense a State-bank: merchants left funds for security at the Mint in the Tower. But when Charles I. appropriated their property without consent, and gave it back to them only under pressure, after a long delay, he destroyed their confidence. Similarly, when Charles II., in furtherance of State-business, came to have habitual transactions with the richer of the private bankers; and when, having got nearly a million and a half of their money in the Exchequer, he stole it, ruined a multitude of merchants, distressed ten thousand depositors, and made some lunatics and suicides, he gave a considerable shock to the banking system as it then existed. Though the results of State-relations with banks in later times have not been so disastrous in this direct way, yet they have been indirectly disastrous—perhaps even in a greater degree. In return for a loan, the State gave the Bank of England special privileges; and for the increase and continuance of this loan the bribe was the maintenance of these privileges—privileges which immensely hindered the development of banks. The State did worse. It led the Bank of England to the verge of bankruptcy by a forced issue of notes, and then authorized it to break its promises

to pay. Nay, worse still, it prevented the Bank of England from fulfilling its promises to pay when it wished to fulfil them. The evils that have arisen from the positively-regulative action of the State on banks are too multitudinous to be here enumerated. They may be found in the writings of Tooke, Newmarch, Fullarton, Macleod, Wilson, J. S. Mill, and others. All we have here to note is, that while the enterprise of citizens in the pursuit of private ends has developed this great trading-process, which so immensely facilitates all other trading-processes, Governments have over and over again disturbed it to an almost fatal extent; and that, while they have done enormous mischief of one kind by their positively-regulative action, they have done enormous mischief of another kind by failing in their negatively-regulative action. They have not done the one thing they had to do: they have not uniformly insisted on fulfilment of contract between the banker and the customer who takes his promise to pay on demand.

Between these two cases of the trade in food and the trade in money, might be put the cases of other trades: all of them carried on by organizations similarly evolved, and similarly more or less deranged from time to time by State-meddling. Passing over these, however, let us turn from the positive method of elucidation to the comparative method. When it is questioned whether the spontaneous coöperation of men in pursuit of personal benefits will adequately work out the general good, we may get guidance for judgment by comparing the results achieved in countries where spontaneous coöperation has been most active and least regulated, with the results achieved in countries where spontaneous coöperation has been less trusted and State-action more trusted. Two cases, furnished by the two leading nations on the Continent, will suffice.

In France, the École des Ponts et Chaussées was founded in 1747 for educating civil engineers; and in 1795 was

founded the École Polytechnique, serving, among other purposes, to give a general scientific training to those who were afterward to be more specially trained for civil engineering. Averaging the two dates, we may say that for a century France has had a State-established and State-maintained appliance for producing skilled men of this class—a double gland, we may call it, to secrete engineering faculty for public use. In England, until quite recently, we have had no institution for preparing civil engineers. Not by intention, but unconsciously, we left the furnishing of engineering faculty to take place under the law of supply and demand—a law which at present seems to be no more recognized as applying to education, than it was recognized as applying to commerce in the days of bounties and restrictions. This, however, by the way. We have here simply to note that Brindley, Smeaton, Rennie, Telford, and the rest, down to George Stephenson, acquired their knowledge, and got their experience, without State-aid or supervision. What have been the comparative results in the two nations? Space does not allow a detailed comparison: the later results must suffice. Railways originated in England, not in France. Railways spread through England faster than through France. Many railways in France were laid out and officered by English engineers. The earlier French railways were made by English contractors; and English locomotives served the French makers as models. The first French work written on locomotive engines, published about 1840 (at least I had a copy at that date), was by the Comte de Pambour, who had studied in England, and who gave in his work nothing whatever but drawings and descriptions of the engines of English makers.

The second illustration is supplied to us by the model nation, now so commonly held up to us for imitation. Let us contrast London and Berlin in respect of an all-essential appliance for the comfort and health of citizens. When,

at the beginning of the seventeenth century, the springs and local conduits, supplemented by water-carriers, failed to supply the Londoners; and when the water-famine, for a long time borne, had failed to make the Corporation do more than propose schemes, and had not spurred the central government to do any thing; Hugh Myddleton, a merchant citizen, took in hand himself the work of bringing the New River to Islington. When he had half completed the work, the king came to his help—not, indeed, in his capacity of ruler, but in the capacity of speculator, investing his money with a view to profit: his share being disposed of by his successor after the formation of the New River Company, which finished the distributing system. Subsequently, the formation of other water-companies, utilizing other sources, has given London a water-supply that has grown with its growth. What, meanwhile, happened at Berlin? Did there in 1613, when Hugh Myddleton completed his work, grow up there a like efficient system? Not at all. The seventeenth century passed, the eighteenth century passed, the middle of the nineteenth century was reached, and still Berlin had no water-supply like that of London. What happened then? Did the paternal government at length do what had been so long left undone? No. Did the citizens at length unite to secure the desideratum? No. It was finally achieved by the citizens of another nation, more accustomed to coöperate in gaining their own profits by ministering to public needs. In 1845 an English company was formed for giving Berlin an adequate water-supply; and the work was executed by English contractors—Messrs. Fox and Crampton.

Should it be said that great works of ancient nations, in the shape of aqueducts, roads, etc., might be instanced in proof that State agency secures such ends, or should it be said that a comparison between the early growth of inland navigation on the Continent, and its later growth here,

would be to our disadvantage, I reply that, little as they at first seem so, these facts are congruous with the general doctrine. While the militant social type is dominant, and the industrial organization but little developed, there is but one coördinating agency for regulating both sets of activities; just as we saw happens with the lower types of individual organisms. It is only when a considerable advance has been made in that metamorphosis which develops the industrial structures at the expense of the militant structures, and which brings along with it a substantially-independent coördinating agency for the industrial structures—it is only then that the efficiency of these spontaneous coöperations for all purposes of internal social life becomes greater than the efficiency of the central governing agency.

Possibly it will be said that though, for subserving material needs, the actions of individuals, stimulated by necessity and made quick by competition, are demonstrably adequate, they are not adequate for subserving other needs. I do not see, however, that the facts justify this position. We have but to glance around to find in abundance similarly-generated appliances for satisfying our higher desires, as well as our lower desires. The fact that the Fine Arts have not thriven here as much as in some Continental countries, is ascribable to natural character, to absorption of our energies in other activities, and to the repressive influence of chronic asceticism, rather than to the absence of fostering agencies: these the interests of individuals have provided in abundance. Literature, in which we are second to none, owes, with us, nothing to State-aid. The poetry which will live is poetry which has been written without official prompting; and though we have habitually had a prize-poet, paid to write loyal verses, it may be said, without disparaging the present one, that a glance over the entire list does not show any benefit derived by poetry from State-patronage. Nor are other

forms of literature any more indebted to State-patronage. It was because there was a public liking for fiction that fiction began to be produced; and the continued public liking causes a continued production, including, along with much that is worthless, much that could not have been made better by any academic or other supervision. And the like holds of biographies, histories, scientific books, etc. Or, as a still more striking case of an agency that has grown up to meet a non-material want, take the newspaper press. What has been the genesis of this marvellous appliance, which each day gives us an abstract of the world's life the day before? Under what promptings have there been got together its staffs of editors, sub-editors, article-writers, reviewers; its reporters of parliamentary debates, of public meetings, of law cases and police cases; its critics of music, theatricals, paintings, etc.; its correspondents in all parts of the world? Who devised and brought to perfection this system which at six o'clock in the morning gives the people of Edinburgh a report of the debates that ended at two or three o'clock in the House of Commons, and at the same time tells them of events that occurred the day before in America? It is not a Government invention. It is not a Government suggestion. It has not been in any way improved or developed by legislation. On the contrary, it has grown up in spite of many hinderances from the Government and burdens which the Government has imposed on it. For a long time the reporting of parliamentary debates was resisted; for generations censorships and prosecutions kept newspapers down, and for several subsequent generations the laws in force negatived a cheap press, and the educational benefits accompanying it. From the war-correspondent, whose letters give to the very nations that are fighting their only trustworthy accounts of what is being done, down to the newsboy who brings round the third edition with the latest telegrams, the whole organization is a product of spontaneous

coöperation among private individuals, aiming to benefit themselves by ministering to the intellectual needs of their fellows—aiming also, not a few of them, to benefit their fellows by giving them clearer ideas and a higher standard of right. Nay, more than this is true. While the press is not indebted to the Government, the Government is enormously indebted to the press; without which, indeed, it would stumble daily in the performance of its functions. This agency which the State once did its best to put down, and has all along impeded, now gives to the ministers news in anticipation of their dispatches, gives to members of Parliament a guiding knowledge of public opinion, enables them to speak from the House of Commons benches to their constituents, and gives to both legislative chambers a full record of their proceedings.

I do not see, therefore, how there can be any doubt respecting the sufficiency of agencies thus originating. The truth that in this condition of mutual dependence brought about by social life, there inevitably grow up arrangements such that each secures his own ends by ministering to the ends of others, seems to have been for a long time one of those open secrets which remain secret because they are so open; and even now the conspicuousness of this truth seems to cause an imperfect consciousness of its full meaning. The evidence shows, however, that even were there no other form of spontaneous coöperation among men than that dictated by self-interest, it might be rationally held that this, under the negatively-regulative control of a central power, would work out, in proper order, the appliances for satisfying all needs, and carrying on healthfully all the essential social functions.

But there is a further kind of spontaneous coöperation, arising, like the other, independently of State-action, which takes a large share in satisfying certain classes of needs. Familiar though it is, this kind of spontaneous coöperation is habitually ignored in sociological discussions. Alike

from newspaper articles and parliamentary debates, it might be inferred that, beyond the force due to men's selfish activities, there is no other social force than the governmental force. There seems to be a deliberate omission of the fact that, in addition to their selfish interests, men have sympathetic interests, which, acting individually and coöperatively, work out results scarcely less remarkable than those which the selfish interests work out. It is true that, during the earlier phases of social evolution, while yet the type is mainly militant, agencies thus produced do not exist: among the Spartans, I suppose, there were few, if any, philanthropic agencies. But as there arise forms of society leading toward the pacific type—forms in which the industrial organization develops itself, and men's activities become of a kind that do not perpetually sear their sympathies; these structures which their sympathies generate become many and important. To the egoistic interests, and the coöperations prompted by them, there come to be added the altruistic interests and their coöperations; and what the one set fails to do, the other does. That, in his presentation of the doctrine he opposes, Prof. Huxley did not set down the effects of fellow-feeling as supplementing the effects of self-regarding feelings, surprises me the more, because he displays fellow-feeling himself in so marked a degree, and shows in his career how potent a social agency it becomes. Let us glance rapidly over the results wrought out among ourselves by individual and combined "altruism" —to employ M. Comte's useful word.

Though they show a trace of this feeling, I will not dwell upon the numerous institutions by which men are enabled to average the chances throughout life by insurance societies, which provide against the evils entailed by premature deaths, accidents, fires, wrecks, etc.; for these are mainly mercantile and egoistic in their origin. Nor will I do more than name those multitudinous Friendly Societies that have arisen spontaneously among the work-

ing-classes to give mutual aid in time of sickness, and which the Commission now sitting is showing to be immensely beneficial, notwithstanding their defects; for these also, though containing a larger element of sympathy, are prompted chiefly by anticipations of personal benefits. Leaving these, let us turn to the organizations in which altruism is more decided: taking first that by which religious ministrations are carried on. Throughout Scotland and England, cut away all that part of it which is not established by law—in Scotland, the Episcopal Church, the Free Church, the United Presbyterians, and other Dissenting bodies; in England, the Wesleyans, Independents, and the various minor sects. Cut off, too, from the Established Church itself, all that part added in recent times by voluntary zeal, made conspicuous enough by the new steeples that have been rising on all sides; and then also take out, from the remainder of the Established Church, that energy which has during these three generations been infused into it by competition with the Dissenters: so reducing it to the degraded, inert state in which John Wesley found it. Do this, and it becomes manifest that more than half the organization, and immensely more than half its function, is extra-governmental. Look round, again, at the multitudinous institutions for mitigating men's ills—the hospitals, dispensaries, almshouses, and the like—the various benevolent and mendicity societies, etc., of which London alone contains between six and seven hundred. From our vast St. Thomas's, exceeding the palace of the Legislature itself in bulk, down to Dorcas societies and village clothing-clubs, we have charitable agencies, many in kind and countless in number, which supplement, perhaps too largely, the legally-established one; and which, whatever evil they may have done along with the good, have done far less evil than the Poor-Law organization did before it was reformed in 1834. Akin to these are still more striking examples of power in

agencies thus originating, such as that furnished by the Anti-slavery Society, which carried the emancipation of the slaves, notwithstanding the class-opposition so predominant in the Legislature. And if we look for more recent like instances, we have them in the organization which promptly and efficiently dealt with the cotton-famine in Lancashire, and in that which last year ministered to the wounded and distressed in France. Once more, consider our educational system as it existed till within these few years. Such part of it as did not consist of private schools, carried on for personal profit, consisted of schools or colleges set up or maintained by men for the benefit of their fellows, and the posterity of their fellows. Omitting the few founded or partially founded by kings, the numerous endowed schools scattered throughout the kingdom, originated from altruistic feelings (so far, at least, as they were not due to egoistic desires for good places in the other world). And then, after these appliances for teaching the poor had been almost entirely appropriated by the rich, whence came the remedy? Another altruistic organization grew up for educating the poor, struggled against the opposition of the Church and the governing classes, eventually forced these to enter into competition and produce like altruistic organizations, until by school systems, local and general, ecclesiastical, dissenting, and secular, the mass of the people had been brought from a state of almost entire ignorance to one in which nearly all of them possessed the rudiments of knowledge. But for these spontaneously-developed agencies, ignorance would have been universal. Not only such knowledge as the poor now possess—not only the knowledge of the trading-classes—not only the knowledge of those who write books and leading articles; but the knowledge of those who carry on the business of the country as ministers and legislators, has been derived from these extra-governmental agencies, egoistic or altruistic. Yet now, strangely enough, the

cultured intelligence of the country has taken to spurning its parent; and that to which it owes both its existence and the consciousness of its own value is pooh-poohed as though it had done, and could do, nothing of importance! One other fact let me add. While such teaching organizations, and their results in the shape of enlightenment, are due to these spontaneous agencies, to such agencies also are due the great improvements in the quality of the culture now happily beginning to take place. The spread of scientific knowledge, and of the scientific spirit, has not been brought about by laws and officials. Our scientific societies have arisen from the spontaneous coöperation of those interested in the accumulation and diffusion of the kinds of truth they respectively deal with. Though the British Association has from time to time obtained certain small subsidies, their results in the way of advancing science have borne but an extremely small ratio to the results achieved without any such aid. If there needs a conclusive illustration of the power of agencies thus arising, we have it in the history and achievements of the Royal Institution. From this, which is a product of altruistic coöperation, and which has had for its successive professors Young, Davy, Faraday, and Tyndall, there has come a series of brilliant discoveries which cannot be paralleled by a series from any State-nurtured institution.

I hold, then, that forced, as men in society are, to seek satisfaction of their own wants by satisfying the wants of others; and led as they also are by sentiments which social life has fostered, to satisfy many wants of others irrespective of their own; they are moved by two sets of forces which, working together, will amply suffice to carry on all needful activities; and I think the facts fully justify this belief. It is true that, *a priori*, one would not have supposed that by their unconscious coöperations men could have wrought out such results, any more than one would have supposed, *a priori*, that by their unconscious coöperation they could

have evolved Language. But reasoning *a posteriori*, which it is best to do when we have the facts before us, it becomes manifest that they can do this; that they have done it in very astonishing ways; and perhaps may do it hereafter in ways still more astonishing. Scarcely any scientific generalization has, I think, a broader inductive basis than we have for the belief that these egoistic and altruistic feelings are powers which, taken together, amply suffice to originate and carry on all the activities which constitute healthy national life: the only pre-requisite being, that they shall be under the negatively-regulative control of a central power—that the entire aggregate of individuals, acting through the legislature and executive as its agents, shall put upon each individual, and group of individuals, the restraints needful to prevent aggression, direct and indirect.

And here I might go on to supplement the argument by showing that the immense majority of the evils which government aid is invoked to remedy, are evils which arise immediately or remotely because it does not perform properly its negatively-regulative function. From the waste of, probably, £100,000,000 of national capital in unproductive railways, for which the Legislature is responsible by permitting the original proprietary contracts to be broken,* down to the railway accidents and loss of life caused by unpunctuality, which would never have grown to its present height were there an easy remedy for breach of contract between company and passenger; nearly all the vices of railway management have arisen from the non-administration of justice. And everywhere else we shall find that, were the restraining action of the State prompt, effective, and costless to those aggrieved, the pleas put in for positive regulation would nearly all disappear.

I am thus brought naturally to remark on the title given

* See Essay on "Railway Morals and Railway Policy."

to this theory of State-functions. That "Administrative Nihilism" adequately describes the view set forth by Von Humboldt, may be: I have not read his work. But I cannot see how it adequately describes the doctrine I have been defending; nor do I see how this can be properly expressed by the more positive title, "police-government." The conception suggested by police-government does not include the conception of an organization for external protection. So long as each nation is given to burglary, I quite admit each other nation must keep guards, under the forms of army or navy, or both, to prevent burglars from breaking in. And the title police-government does not, in its ordinary acceptation, comprehend these offensive and defensive appliances needful for dealing with foreign enemies. At the other extreme, too, it falls short of the full meaning to be expressed. While it duly conveys the idea of an organization required for checking and punishing criminal aggression, it does not convey any idea of the no less important organization required for dealing with civil aggression—an organization quite essential for properly discharging the negatively-regulative function. Though latent police-force may be considered as giving their efficiency to legal decisions on all questions brought into *nisi prius* courts, yet, since here police-force rarely comes into visible play, police-government does not suggest this very extensive part of the administration of justice. Far from contending for a *laissez-faire* policy in the sense which the phrase commonly suggests, I have contended for a more active control of the kind distinguishable as negatively regulative. One of the reasons I have urged for excluding State-action from other spheres, is, that it may become more efficient within its proper sphere. And I have argued that the wretched performance of its duties within its proper sphere continues, because its time is chiefly spent over imaginary duties.* The facts that often, in bankruptcy

* See Essay on "Over-Legislation."

cases, three-fourths and more of the assets go in costs; that creditors are led by the expectation of great delay and a miserable dividend to accept almost any composition offered; and that so the bankruptcy-law offers a premium to roguery; are facts which would long since have ceased to be facts, had citizens been mainly occupied in getting an efficient judicial system. If the due performance by the State of its all-essential function had been the question on which elections were fought, we should not see, as we now do, that a shivering cottager who steals palings for firewood, or a hungry tramp who robs an orchard, gets punishment in more than the old Hebrew measure, while great financial frauds which ruin their thousands bring no punishments. Were the negatively-regulative function of the State in internal affairs dominant in the thoughts of men, within the Legislature and without, there would be tolerated no such treatment as that suffered lately by Messrs. Walker, of Cornhill; who, having been robbed of £6,000 worth of property and having spent £950 in rewards for apprehending thieves and prosecuting them, cannot get back the proceeds of their property found on the thieves—who bear the costs of administering justice, while the Corporation of London makes £940 profit out of their loss. It is in large measure because I hold that these crying abuses and inefficiencies, which everywhere characterize the administration of justice, need more than any other evils to be remedied; and because I hold that remedy of them can go on only as fast as the internal function of the State is more and more restricted to the administration of justice; that I take the view which I have been re-explaining. *It is a law illustrated by organizations of every kind, that, in proportion as there is to be efficiency, there must be specialization, both of structure and function—specialization which, of necessity, implies accompanying limitation.* And, as I have elsewhere argued, the development of representative government is the development of a type of govern-

ment fitted above all others for this negatively-regulative control, and, above all others, ill fitted for positively-regulative control.* This doctrine, that while the negatively-regulative control should be extended and made better, the positively-regulative control should be diminished, and that the one change implies the other, may properly be called the doctrine of Specialized Administration—if it is to be named from its administrative aspect. I regret that my presentation of this doctrine has been such as to lead to misinterpretation. Either it is that I have not adequately explained it, which, if true, surprises me, or else it is that the space occupied in seeking to show what are not the duties of the State is so much greater than the space occupied in defining its duties, that these last make but little impression. In any case, that Prof. Huxley should have construed my view in the way he has done, shows me that it needs fuller exposition; since, had he put upon it the construction I intended, he would not, I think, have included it under the title he has used, nor would he have seen it needful to raise the question I have endeavoured to answer.

Postscript.—Since the above article was written, a fact of some significance in relation to the question of State-management has come under my notice. There is one department, at any rate, in which the State succeeds well —the Post-Office. And this department is sometimes instanced as showing the superiority of public over private administration.

I am not about to call in question the general satisfactoriness of our postal arrangements; nor shall I contend that this branch of State-organization, now well-established, could be replaced with advantage. Possibly the type of our social structure has become, in this respect, so far fixed that a radical change would be injurious. In dealing

* See Essay on "Representative Government—What is it good for?"

with those who make much of this success, I have contented myself with showing that the developments which have made the Post-Office efficient, have not originated with the Government, but have been thrust upon it from without. I have in evidence cited the facts that the mail-coach system was established by a private individual, Mr. Palmer, and lived down official opposition; that the reform originated by Mr. Rowland Hill had to be made against the wills of *employés;* and, further, I have pointed out that, even as it is, a large part of the work is done by private enterprise—that the Government gets railway-companies to do for it most of the inland carriage, and steam-boat companies the outland carriage: contenting itself with doing the local collection and distribution.

Respecting the general question whether, in the absence of our existing postal system, private enterprise would have developed one as good or better, I have been able to say only that analogies like that furnished by our newspaper-system, with its efficient news-vending organization, warrant us in believing that it would. Recently, however, I have been shown both that private enterprise is capable of this, and that, but for a legal interdict, it would have done long ago what the State has but lately done. Here is the proof:—

"To facilitate correspondence between one part of London and another was not originally one of the objects of the Post-Office. But, in the reign of Charles II., an enterprising citizen of London, William Dockwray, set up, at great expense, a penny post, which delivered letters and parcels six or eight times a-day in the busy and crowded streets near the Exchange, and four times a-day in the outskirts of the capital. . . . As soon as it became clear that the speculation would be lucrative, the Duke of York complained of it as an infraction of his monopoly, and the courts of law decided in his favour."—*Macaulay, History of England*, 1866, i., 302-3.

Thus it appears that two centuries since, private enterprise initiated a local postal system, similar, in respect both of cheapness and frequency of distribution, to that lately-established one boasted of as a State-success. Judging by what has happened in other cases with private enter-

prises which had small beginnings, we may infer that the system thus commenced, would have developed throughout the kingdom as fast as the needs pressed and the possibilities allowed. So far from being indebted to the State, we have reason to believe that, but for State-repression, we should have obtained a postal organization like our present one generations ago!

SECOND POSTSCRIPT.—When the foregoing essay was republished in the third series of my *Essays, Scientific, Political, and Speculative*, I included, in the preface to the volume, some comments upon Prof. Huxley's reply. In the absence of this preface, now no longer appropriate, there seems no other fit place for these comments than this. I therefore here append them.

"On the brief rejoinder to my arguments which Prof. Huxley makes in the preface to his *Critiques and Addresses*, I may here say a few words. The reasons he gives for still thinking that the name 'Administrative Nihilism' fitly indicates the system which I have described as 'negatively regulative,' are, I think, adequately met by asking whether 'Ethical Nihilism' would fitly describe the remnant of the decalogue, were all its positive injunctions omitted. If the eight commandments which, substantially or literally, come under the form 'thou shalt not,' constitute by themselves a set of rules which can scarcely be called nihilistic; I do not see how an administrative system limited to the enforcement of such rules can be called nihilistic: especially if to the punishment of murder, adultery, stealing, and false-witness, it adds the punishment of assault, breach of contract, and all minor aggressions, down to the annoyance of neighbours by nuisances. Respecting the second and essential question, whether limitation of the internal functions of government to those which are negatively regulative, is consistent with that theory of the social organism and its controlling

agencies held by me, I may say that the insufficiency of my reply has not, I think, been shown. I was tacitly asked how the analogy I have drawn between those governmental structures by which the parts of the body politic have their actions regulated and those nervous structures which regulate the organic actions of the individual living body, is to be reconciled with my belief that social activities will in the main adjust themselves. My answer was this. I recognized as essential the positively-regulative functions of the State in respect to the offensive and defensive appliances needful for national self-preservation, during the predatory phase of social evolution; and I not only admitted the importance of its negatively-regulative functions in respect to the internal social activities, but insisted that these should be carried out much more efficiently than now. Assuming always, however, that the internal social activities continue subject to that restraining action of the State which consists in preventing aggressions, direct and indirect, I contended that the coördination of these internal social activities is effected by other structures of a different kind. I aimed to show that my two beliefs are not inconsistent, by pointing out that in the individual organism, also, those vital activities which parallel the activities constituting national life, are regulated by a substantially-independent nervous system. Prof. Huxley does, indeed, remind me that recent researches show increasingly the influence of the cerebro-spinal nervous system over the processes of organic life; against which, however, has to be set the growing evidence of the power exercised by the visceral nervous system over the cerebro-spinal. But, recognizing the influence he names (which, indeed, corresponds to that governmental influence I regard as necessary); I think the consistency of my positions is maintainable so long as it is manifest that the viscera, under the control of their

own nervous system, can carry on the vital actions when the control of the cerebro-spinal system is substantially arrested by sleep, or by anæsthetics, or by other causes of insensibility; and while it is shown that a considerable degree of coördination may exist among the organs of a creature which has no nervous system at all."

## FROM FREEDOM TO BONDAGE.

[*First published as the Introduction to a volume entitled* A Plea for Liberty, &c.: *a series of anti-socialistic essays, issued at the beginning of* 1891.]

Of the many ways in which common-sense inferences about social affairs are flatly contradicted by events (as when measures taken to suppress a book cause increased circulation of it, or as when attempts to prevent usurious rates of interest make the terms harder for the borrower, or as when there is greater difficulty in getting things at the places of production than elsewhere) one of the most curious is the way in which the more things improve the louder become the exclamations about their badness.

In days when the people were without any political power, their subjection was rarely complained of; but after free institutions had so far advanced in England that our political arrangements were envied by continental peoples, the denunciations of aristocratic rule grew gradually stronger, until there came a great widening of the franchise, soon followed by complaints that things were going wrong for want of still further widening. If we trace up the treatment of women from the days of savagedom, when they bore all the burdens and after the men had eaten received such food as remained, up through the middle ages when they served the men at their meals, to

our own day when throughout our social arrangements the claims of women are always put first, we see that along with the worst treatment there went the least apparent consciousness that the treatment was bad; while now that they are better treated than ever before, the proclaiming of their grievances daily strengthens: the loudest outcries coming from "the paradise of women," America. A century ago, when scarcely a man could be found who was not occasionally intoxicated, and when inability to take one or two bottles of wine brought contempt, no agitation arose against the vice of drunkenness; but now that, in the course of fifty years, the voluntary efforts of temperance societies, joined with more general causes, have produced comparative sobriety, there are vociferous demands for laws to prevent the ruinous effects of the liquor traffic. Similarly again with education. A few generations back, ability to read and write was practically limited to the upper and middle classes, and the suggestion that the rudiments of culture should be given to labourers was never made, or, if made, ridiculed; but when, in the days of our grandfathers, the Sunday-school system, initiated by a few philanthropists, began to spread and was followed by the establishment of day-schools, with the result that among the masses those who could read and write were no longer the exceptions, and the demand for cheap literature rapidly increased, there began the cry that the people were perishing for lack of knowledge, and that the State must not simply educate them but must force education upon them.

And so is it, too, with the general state of the population in respect of food, clothing, shelter, and the appliances of life. Leaving out of the comparison early barbaric states, there has been a conspicuous progress from the time when most rustics lived on barley bread, rye bread, and oatmeal, down to our own time when the consumption of white wheaten bread is universal—from the days when coarse jackets reaching to the knees left the legs bare, down to the present

day when labouring people, like their employers, have the whole body covered, by two or more layers of clothing—from the old era of single-roomed huts without chimneys, or from the 15th century when even an ordinary gentleman's house was commonly without wainscot or plaster on its walls, down to the present century when every cottage has more rooms than one and the houses of artizans usually have several, while all have fire-places, chimneys, and glazed windows, accompanied mostly by paper-hangings and painted doors; there has been, I say, a conspicuous progress in the condition of the people. And this progress has been still more marked within our own time. Any one who can look back 60 years, when the amount of pauperism was far greater than now and beggars abundant, is struck by the comparative size and finish of the new houses occupied by operatives—by the better dress of workmen, who wear broad-cloth on Sundays, and that of servant girls, who vie with their mistresses—by the higher standard of living which leads to a great demand for the best qualities of food by working people: all results of the double change to higher wages and cheaper commodities, and a distribution of taxes which has relieved the lower classes at the expense of the upper classes. He is struck, too, by the contrast between the small space which popular welfare then occupied in public attention, and the large space it now occupies, with the result that outside and inside Parliament, plans to benefit the millions form the leading topics, and everyone having means is expected to join in some philanthropic effort. Yet while elevation, mental and physical, of the masses is going on far more rapidly than ever before—while the lowering of the death-rate proves that the average life is less trying, there swells louder and louder the cry that the evils are so great that nothing short of a social revolution can cure them. In presence of obvious improvements, joined with that increase of longevity which even alone yields conclusive proof of general amelioration, it is

proclaimed, with increasing vehemence, that things are so bad that society must be pulled to pieces and re-organized on another plan. In this case, then, as in the previous cases instanced, in proportion as the evil decreases the denunciation of it increases; and as fast as natural causes are shown to be powerful there grows up the belief that they are powerless.

Not that the evils to be remedied are small. Let no one suppose that, by emphasizing the above paradox, I wish to make light of the sufferings which most men have to bear. The fates of the great majority have ever been, and doubtless still are, so sad that it is painful to think of them. Unquestionably the existing type of social organization is one which none who care for their kind can contemplate with satisfaction; and unquestionably men's activities accompanying this type are far from being admirable. The strong divisions of rank and the immense inequalities of means, are at variance with that ideal of human relations on which the sympathetic imagination likes to dwell; and the average conduct, under the pressure and excitement of social life as at present carried on, is in sundry respects repulsive. Though the many who revile competition strangely ignore the enormous benefits resulting from it—though they forget that most of the appliances and products distinguishing civilization from savagery, and making possible the maintenance of a large population on a small area, have been developed by the struggle for existence—though they disregard the fact that while every man, as producer, suffers from the under-bidding of competitors, yet, as consumer, he is immensely advantaged by the cheapening of all he has to buy—though they persist in dwelling on the evils of competition and saying nothing of its benefits; yet it is not to be denied that the evils are great, and form a large set-off from the benefits. The system under which we at present live fosters dishonesty and lying. It prompts adulterations of countless kinds; it is answerable for the

cheap imitations which eventually in many cases thrust the genuine articles out of the market; it leads to the use of short weights and false measures; it introduces bribery, which vitiates most trading relations, from those of the manufacturer and buyer down to those of the shopkeeper and servant; it encourages deception to such an extent that an assistant who cannot tell a falsehood with a good face is blamed; and often it gives the conscientious trader the choice between adopting the malpractices of his competitors, or greatly injuring his creditors by bankruptcy. Moreover, the extensive frauds, common throughout the commercial world and daily exposed in law-courts and newspapers, are largely due to the pressure under which competition places the higher industrial classes; and are otherwise due to that lavish expenditure which, as implying success in the commercial struggle, brings honour. With these minor evils must be joined the major one, that the distribution achieved by the system, gives to those who regulate and superintend, a share of the total produce which bears too large a ratio to the share it gives to the actual workers. Let it not be thought, then, that in saying what I have said above, I under-estimate those vices of our competitive system which, 30 years ago, I described and denounced.* But it is not a question of absolute evils; it is a question of relative evils—whether the evils at present suffered are or are not less than the evils which would be suffered under another system—whether efforts for mitigation along the lines thus far followed are not more likely to succeed than efforts along utterly different lines.

This is the question here to be considered. I must be excused for first of all setting forth sundry truths which are, to some at any rate, tolerably familiar, before proceeding to draw inferences which are not so familiar.

Speaking broadly, every man works that he may avoid

* See essay on "The Morals of Trade."

suffering. Here, remembrance of the pangs of hunger prompts him; and there, he is prompted by the sight of the slave-driver's lash. His immediate dread may be the punishment which physical circumstances will inflict, or may be punishment inflicted by human agency. He must have a master; but the master may be Nature or may be a fellow man. When he is under the impersonal coercion of Nature, we say that he is free; and when he is under the personal coercion of some one above him, we call him, according to the degree of his dependence, a slave, a serf, or a vassal. Of course I omit the small minority who inherit means: an incidental, and not a necessary, social element. I speak only of the vast majority, both cultured and uncultured, who maintain themselves by labour, bodily or mental, and must either exert themselves of their own unconstrained wills, prompted only by thoughts of naturally-resulting evils or benefits, or must exert themselves with constrained wills, prompted by thoughts of evils and benefits artificially resulting.

Men may work together in a society under either of these two forms of control: forms which, though in many cases mingled, are essentially contrasted. Using the word coöperation in its wide sense, and not in that restricted sense now commonly given to it, we may say that social life must be carried on by either voluntary coöperation or compulsory coöperation; or, to use Sir Henry Maine's words, the system must be that of *contract* or that of *status* —that in which the individual is left to do the best he can by his spontaneous efforts and get success or failure according to his efficiency, and that in which he has his appointed place, works under coercive rule, and has his apportioned share of food, clothing, and shelter.

The system of voluntary coöperation is that by which, in civilized societies, industry is now everywhere carried on. Under a simple form we have it on every farm, where the labourers, paid by the farmer himself and taking orders

directly from him, are free to stay or go as they please. And of its more complex form an example is yielded by every manufacturing concern, in which, under partners, come managers and clerks, and under these, time-keepers and over-lookers, and under these operatives of different grades. In each of these cases there is an obvious working together, or coöperation, of employer and employed, to obtain in the one case a crop and in the other case a manufactured stock. And then, at the same time, there is a far more extensive, though unconscious, coöperation with other workers of all grades throughout the society. For while these particular employers and employed are severally occupied with their special kinds of work, other employers and employed are making other things needed for the carrying on of their lives as well as the lives of all others. This voluntary coöperation, from its simplest to its most complex forms, has the common trait that those concerned work together by consent. There is no one to force terms or to force acceptance. It is perfectly true that in many cases an employer may give, or an *employé* may accept, with reluctance: circumstances he says compel him. But what are the circumstances? In the one case there are goods ordered, or a contract entered into, which he cannot supply or execute without yielding; and in the other case he submits to a wage less than he likes because otherwise he will have no money wherewith to procure food and warmth. The general formula is not—"Do this, or I will make you;" but it is—"Do this, or leave your place and take the consequences."

On the other hand compulsory coöperation is exemplified by an army—not so much by our own army, the service in which is under agreement for a specified period, but in a continental army, raised by conscription. Here, in time of peace, the daily duties — cleaning, parade, drill, sentry work, and the rest—and in time of war the various actions of the camp and the battle-field, are done under command,

without room for any exercise of choice. Up from the private soldier through the non-commissioned officers and the half-dozen or more grades of commissioned officers, the universal law is absolute obedience from the grade below to the grade above. The sphere of individual will is such only as is allowed by the will of the superior. Breaches of subordination are, according to their gravity, dealt with by deprivation of leave, extra drill, imprisonment, flogging, and, in the last resort, shooting. Instead of the understanding that there must be obedience in respect of specified duties under pain of dismissal; the understanding now is—"Obey in everything ordered under penalty of inflicted suffering and perhaps death."

This form of coöperation, still exemplified in an army, has in days gone by been the form of coöperation throughout the civil population. Everywhere, and at all times, chronic war generates a militant type of structure, not in the body of soldiers only but throughout the community at large. Practically, while the conflict between societies is actively going on, and fighting is regarded as the only manly occupation, the society is the quiescent army and the army the mobilized society: that part which does not take part in battle, composed of slaves, serfs, women, &c., constituting the commissariat. Naturally, therefore, throughout the mass of inferior individuals constituting the commissariat, there is maintained a system of discipline identical in nature if less elaborate. The fighting body being, under such conditions, the ruling body, and the rest of the community being incapable of resistance, those who control the fighting body will, of course, impose their control upon the non-fighting body; and the *régime* of coercion will be applied to it with such modifications only as the different circumstances involve. Prisoners of war become slaves. Those who were free cultivators before the conquest of their country, become serfs attached to the soil. Petty chiefs become subject to superior chiefs; these smaller lords

become vassals to over-lords; and so on up to the highest: the social ranks and powers being of like essential nature with the ranks and powers throughout the military organization. And while for the slaves compulsory coöperation is the unqualified system, a coöperation which is in part compulsory is the system that pervades all grades above. Each man's oath of fealty to his suzerain takes the form—"I am your man."

Throughout Europe, and especially in our own country, this system of compulsory coöperation gradually relaxed in rigour, while the system of voluntary coöperation step by step replaced it. As fast as war ceased to be the business of life, the social structure produced by war and appropriate to it, slowly became qualified by the social structure produced by industrial life and appropriate to it. In proportion as a decreasing part of the community was devoted to offensive and defensive activities, an increasing part became devoted to production and distribution. Growing more numerous, more powerful, and taking refuge in towns where it was less under the power of the militant class, this industrial population carried on its life under the system of voluntary coöperation. Though municipal governments and guild-regulations, partially pervaded by ideas and usages derived from the militant type of society, were in some degree coercive; yet production and distribution were in the main carried on under agreement—alike between buyers and sellers, and between masters and workmen. As fast as these social relations and forms of activity became dominant in urban populations, they influenced the whole community: compulsory coöperation lapsed more and more, through money commutation for services, military and civil; while divisions of rank became less rigid and class-power diminished. Until at length, restraints exercised by incorporated trades having fallen into desuetude, as well as the rule of rank over rank, voluntary coöperation became the universal principle.

Purchase and sale became the law for all kinds of services as well as for all kinds of commodities.

The restlessness generated by pressure against the conditions of existence, perpetually prompts the desire to try a new position. Everyone knows how long-continued rest in one attitude becomes wearisome—everyone has found how even the best easy chair, at first rejoiced in, becomes after many hours intolerable; and change to a hard seat, previously occupied and rejected, seems for a time to be a great relief. It is the same with incorporated humanity. Having by long struggles emancipated itself from the hard discipline of the ancient *régime*, and having discovered that the new *régime* into which it has grown, though relatively easy, is not without stresses and pains, its impatience with these prompts the wish to try another system: which other system is, in principle if not in appearance, the same as that which during past generations was escaped from with much rejoicing.

For as fast as the *régime* of contract is discarded the *régime* of status is of necessity adopted. As fast as voluntary coöperation is abandoned compulsory coöperation must be substituted. Some kind of organization labour must have; and if it is not that which arises by agreement under free competition, it must be that which is imposed by authority. Unlike in appearance and names as it may be to the old order of slaves and serfs, working under masters, who were coerced by barons, who were themselves vassals of dukes or kings, the new order wished for, constituted by workers under foremen of small groups, overlooked by superintendents, who are subject to higher local managers, who are controlled by superiors of districts, themselves under a central government, must be essentially the same in principle. In the one case, as in the other, there must be established grades, and enforced subordination of each grade to the grades above. This is a truth which the communist or the socialist does not dwell upon. Angry

with the existing system under which each of us takes care of himself, while all of us see that each has fair play, he thinks how much better it would be for all of us to take care of each of us; and he refrains from thinking of the machinery by which this is to be done. Inevitably, if each is to be cared for by all, then the embodied all must get the means—the necessaries of life. What it gives to each must be taken from the accumulated contributions; and it must therefore require from each his proportion—must tell him how much he has to give to the general stock in the shape of production, that he may have so much in the shape of sustentation. Hence, before he can be provided for, he must put himself under orders, and obey those who say what he shall do, and at what hours, and where; and who give him his share of food, clothing, and shelter. If competition is excluded, and with it buying and selling, there can be no voluntary exchange of so much labour for so much produce; but there must be apportionment of the one to the other by appointed officers. This apportionment must be enforced. Without alternative the work must be done, and without alternative the benefit, whatever it may be, must be accepted. For the worker may not leave his place at will and offer himself elsewhere. Under such a system he cannot be accepted elsewhere, save by order of the authorities. And it is manifest that a standing order would forbid employment in one place of an insubordinate member from another place: the system could not be worked if the workers were severally allowed to go or come as they pleased. With corporals and sergeants under them, the captains of industry must carry out the orders of their colonels, and these of their generals, up to the council of the commander-in-chief; and obedience must be required throughout the industrial army as throughout a fighting army. "Do your prescribed duties, and take your apportioned rations," must be the rule of the one as of the other.

"Well, be it so;" replies the socialist. "The workers

will appoint their own officers, and these will always be subject to criticisms of the mass they regulate. Being thus in fear of public opinion, they will be sure to act judiciously and fairly; or when they do not, will be deposed by the popular vote, local or general. Where will be the grievance of being under superiors, when the superiors themselves are under democratic control?" And in this attractive vision the socialist has full belief.

Iron and brass are simpler things than flesh and blood, and dead wood than living nerve; and a machine constructed of the one works in more definite ways than an organism constructed of the other,—especially when the machine is worked by the inorganic forces of steam or water, while the organism is worked by the forces of living nerve-centres. Manifestly, then, the ways in which the machine will work are much more readily calculable than the ways in which the organism will work. Yet in how few cases does the inventor foresee rightly the actions of his new apparatus! Read the patent-list, and it will be found that not more than one device in fifty turns out to be of any service. Plausible as his scheme seemed to the inventor, one or other hitch prevents the intended operation, and brings out a widely different result from that which he wished.

What, then, shall we say of these schemes which have to do not with dead matters and forces, but with complex living organisms working in ways less readily foreseen, and which involve the coöperation of multitudes of such organisms? Even the units out of which this re-arranged body politic is to be formed are often incomprehensible. Everyone is from time to time surprised by others' behaviour, and even by the deeds of relatives who are best known to him. Seeing, then, how uncertainly anyone can foresee the actions of an individual, how can he with any certainty foresee the operation of a social structure? He proceeds on the assumption that all concerned will judge rightly and act

fairly—will think as they ought to think, and act as they ought to act; and he assumes this regardless of the daily experiences which show him that men do neither the one nor the other, and forgetting that the complaints he makes against the existing system show his belief to be that men have neither the wisdom nor the rectitude which his plan requires them to have.

Paper constitutions raise smiles on the faces of those who have observed their results; and paper social systems similarly affect those who have contemplated the available evidence. How little the men who wrought the French revolution and were chiefly concerned in setting up the new governmental apparatus, dreamt that one of the early actions of this apparatus would be to behead them all! How little the men who drew up the American Declaration of Independence and framed the republic, anticipated that after some generations the legislature would lapse into the hands of wire-pullers; that its doings would turn upon the contests of office-seekers; that political action would be everywhere vitiated by the intrusion of a foreign element holding the balance between parties; that electors, instead of judging for themselves, would habitually be led to the polls in thousands by their "bosses;" and that respectable men would be driven out of public life by the insults and slanders of professional politicians. Nor were there better previsions in those who gave constitutions to the various other states of the New World, in which unnumbered revolutions have shown with wonderful persistence the contrasts between the expected results of political systems and the achieved results. It has been no less thus with proposed systems of social re-organization, so far as they have been tried. Save where celibacy has been insisted on, their history has been everywhere one of disaster; ending with the history of Cabet's Icarian colony lately given by one of its members, Madame Fleury Robinson, in *The Open Court*—a history of splittings, re-splittings and re-re-splittings, accompanied by

numerous individual secessions and final dissolution. And for the failure of such social schemes, as for the failure of the political schemes, there has been one general cause.

Metamorphosis is the universal law, exemplified throughout the Heavens and on the Earth: especially throughout the organic world; and above all in the animal division of it. No creature, save the simplest and most minute, commences its existence in a form like that which it eventually assumes; and in most cases the unlikeness is great—so great that kinship between the first and the last forms would be incredible were it not daily demonstrated in every poultry-yard and every garden. More than this is true. The changes of form are often several: each of them being an apparently complete transformation—egg, larva, pupa, imago, for example. And this universal metamorphosis, displayed alike in the development of a planet and of every seed which germinates on its surface, holds also of societies, whether taken as wholes or in their separate institutions. No one of them ends as it begins; and the difference between its original structure and its ultimate structure is such that, at the outset, change of the one into the other would have seemed incredible. In the rudest tribe the chief, obeyed as leader in war, loses his distinctive position when the fighting is over; and even where continued warfare has produced permanent chieftainship, the chief, building his own hut, getting his own food, making his own implements, differs from others only by his predominant influence. There is no sign that in course of time, by conquests and unions of tribes, and consolidations of clusters so formed with other such clusters, until a nation has been produced, there will originate from the primitive chief, one who, as czar or emperor, surrounded with pomp and ceremony, has despotic power over scores of millions, exercised through hundreds of thousands of soldiers and hundreds of thousands of officials. When the early Christian missionaries, having humble

externals and passing self-denying lives, spread over pagan Europe, preaching forgiveness of injuries and the returning of good for evil, no one dreamt that in course of time their representatives would form a vast hierarchy, possessing everywhere a large part of the land, distinguished by the haughtiness of its members grade above grade, ruled by military bishops who led their retainers to battle, and headed by a pope exercising supreme power over kings. So, too, has it been with that very industrial system which many are now so eager to replace. In its original form there was no prophecy of the factory-system or kindred organizations of workers. Differing from them only as being the head of his house, the master worked along with his apprentices and a journeyman or two, sharing with them his table and accommodation, and himself selling their joint produce. Only with industrial growth did there come employment of a larger number of assistants, and a relinquishment, on the part of the master, of all other business than that of superintendence. And only in the course of recent times did there evolve the organizations under which the labours of hundreds and thousands of men receiving wages, are regulated by various orders of paid officials under a single or multiple head. These originally small, semi-socialistic, groups of producers, like the compound families or house-communities of early ages, slowly dissolved because they could not hold their ground: the larger establishments, with better sub-division of labour, succeeded because they ministered to the wants of society more effectually. But we need not go back through the centuries to trace transformations sufficiently great and unexpected. On the day when £30,000 a year in aid of education was voted as an experiment, the name of idiot would have been given to an opponent who prophesied that in 50 years the sum spent through imperial taxes and local rates would amount to £10,000,000 or who said that the aid to education would be followed by aids to feeding and

clothing, or who said that parents and children, alike deprived of all option, would, even if starving, be compelled by fine or imprisonment to conform, and receive that which, with papal assumption, the State calls education. No one, I say, would have dreamt that out of so innocent-looking a germ would have so quickly evolved this tyrannical system, tamely submitted to by people who fancy themselves free.

Thus in social arrangements, as in all other things, change is inevitable. It is foolish to suppose that new institutions set up, will long retain the character given them by those who set them up. Rapidly or slowly they will be transformed into institutions unlike those intended —so unlike as even to be unrecognizable by their devisers. And what, in the case before us, will be the metamorphosis? The answer pointed to by instances above given, and warranted by various analogies, is manifest.

A cardinal trait in all advancing organization is the development of the regulative apparatus. If the parts of a whole are to act together, there must be appliances by which their actions are directed; and in proportion as the whole is large and complex, and has many requirements to be met by many agencies, the directive apparatus must be extensive, elaborate, and powerful. That it is thus with individual organisms needs no saying; and that it must be thus with social organisms is obvious. Beyond the regulative apparatus such as in our own society is required for carrying on national defence and maintaining public order and personal safety, there must, under the *régime* of socialism, be a regulative apparatus everywhere controlling all kinds of production and distribution, and everywhere apportioning the shares of products of each kind required for each locality, each working establishment, each individual. Under our existing voluntary coöperation, with its free contracts and its competition, production and distribution need no official oversight. Demand and

supply, and the desire of each man to gain a living by supplying the needs of his fellows, spontaneously evolve that wonderful system whereby a great city has its food daily brought round to all doors or stored at adjacent shops; has clothing for its citizens everywhere at hand in multitudinous varieties; has its houses and furniture and fuel ready made or stocked in each locality; and has mental pabulum from halfpenny papers hourly hawked round, to weekly shoals of novels, and less abundant books of instruction, furnished without stint for small payments. And throughout the kingdom, production as well as distribution is similarly carried on with the smallest amount of superintendence which proves efficient; while the quantities of the numerous commodities required daily in each locality are adjusted without any other agency than the pursuit of profit. Suppose now that this industrial *régime* of willinghood, acting spontaneously, is replaced by a *régime* of industrial obedience, enforced by public officials. Imagine the vast administration required for that distribution of all commodities to all people in every city, town and village, which is now effected by traders! Imagine, again, the still more vast administration required for doing all that farmers, manufacturers, and merchants do; having not only its various orders of local superintendents, but its sub-centres and chief centres needed for apportioning the quantities of each thing everywhere needed, and the adjustment of them to the requisite times. Then add the staffs wanted for working mines, railways, roads, canals; the staffs required for conducting the importing and exporting businesses and the administration of mercantile shipping; the staffs required for supplying towns not only with water and gas but with locomotion by tramways, omnibuses, and other vehicles, and for the distribution of power, electric and other. Join with these the existing postal, telegraphic, and telephonic administrations; and finally those of the police and army, by which the dictates

of this immense consolidated regulative system are to be everywhere enforced. Imagine all this and then ask what will be the position of the actual workers! Already on the continent, where governmental organizations are more elaborate and coercive than here, there are chronic complaints of the tyranny of bureaucracies—the *hauteur* and brutality of their members. What will these become when not only the more public actions of citizens are controlled, but there is added this far more extensive control of all their respective daily duties? What will happen when the various divisions of this vast army of officials, united by interests common to officialism—the interests of the regulators *versus* those of the regulated—have at their command whatever force is needful to suppress insubordination and act as "saviours of society"? Where will be the actual diggers and miners and smelters and weavers, when those who order and superintend, everywhere arranged class above class, have come, after some generations, to inter-marry with those of kindred grades, under feelings such as are operative in existing classes; and when there have been so produced a series of castes rising in superiority; and when all these, having everything in their own power, have arranged modes of living for their own advantage: eventually forming a new aristocracy far more elaborate and better organized than the old? How will the individual worker fare if he is dissatisfied with his treatment—thinks that he has not an adequate share of the products, or has more to do than can rightly be demanded, or wishes to undertake a function for which he feels himself fitted but which is not thought proper for him by his superiors, or desires to make an independent career for himself? This dissatisfied unit in the immense machine will be told he must submit or go. The mildest penalty for disobedience will be industrial excommunication. And if an international organization of labour is formed as proposed, exclusion in one country

will mean exclusion in all others—industrial excommunication will mean starvation.

That things must take this course is a conclusion reached not by deduction only, nor only by induction from those experiences of the past instanced above, nor only from consideration of the analogies furnished by organisms of all orders; but it is reached also by observation of cases daily under our eyes. The truth that the regulative structure always tends to increase in power, is illustrated by every established body of men. The history of each learned society, or society for other purpose, shows how the staff, permanent or partially permanent, sways the proceedings and determines the actions of the society with but little resistance, even when most members of the society disapprove: the repugnance to anything like a revolutionary step being ordinarily an efficient deterrent. So is it with joint-stock companies—those owning railways for example. The plans of a board of directors are usually authorized with little or no discussion; and if there is any considerable opposition, this is forthwith crushed by an overwhelming number of proxies sent by those who always support the existing administration. Only when the misconduct is extreme does the resistance of shareholders suffice to displace the ruling body. Nor is it otherwise with societies formed of working men and having the interests of labour especially at heart—the trades-unions. In these, too, the regulative agency becomes all powerful. Their members, even when they dissent from the policy pursued, habitually yield to the authorities they have set up. As they cannot secede without making enemies of their fellow workmen, and often losing all chance of employment, they succumb. We are shown, too, by the late congress, that already, in the general organization of trades-unions so recently formed, there are complaints of "wire-pullers" and "bosses" and "permanent officials." If, then, this supremacy of the regulators is seen in bodies of quite modern origin, formed of men who

have, in many of the cases instanced, unhindered powers of asserting their independence, what will the supremacy of the regulators become in long-established bodies, in bodies which have become vast and highly organized, and in bodies which, instead of controlling only a small part of the unit's life, control the whole of his life?

Again there will come the rejoinder—"We shall guard against all that. Everybody will be educated; and all, with their eyes constantly open to the abuse of power, will be quick to prevent it." The worth of these expectations would be small even could we not identify the causes which will bring disappointment; for in human affairs the most promising schemes go wrong in ways which no one anticipated. But in this case the going wrong will be necessitated by causes which are conspicuous. The working of institutions is determined by men's characters; and the existing defects in their characters will inevitably bring about the results above indicated. There is no adequate endowment of those sentiments required to prevent the growth of a despotic bureaucracy.

Were it needful to dwell on indirect evidence, much might be made of that furnished by the behaviour of the so-called Liberal party—a party which, relinquishing the original conception of a leader as a mouthpiece for a known and accepted policy, thinks itself bound to accept a policy which its leader springs upon it without consent or warning—a party so utterly without the feeling and idea implied by liberalism, as not to resent this trampling on the right of private judgment, which constitutes the root of liberalism—nay, a party which vilifies as renegade liberals, those of its members who refuse to surrender their independence! But without occupying space with indirect proofs that the mass of men have not the natures required to check the development of tyrannical officialism, it will suffice to contemplate the direct proofs furnished by those classes among whom

the socialistic idea most predominates, and who think themselves most interested in propagating it—the operative classes. These would constitute the great body of the socialistic organization, and their characters would determine its nature. What, then, are their characters as displayed in such organizations as they have already formed?

Instead of the selfishness of the employing classes and the selfishness of competition, we are to have the unselfishness of a mutually-aiding system. How far is this unselfishness now shown in the behaviour of working men to one another? What shall we say to the rules limiting the numbers of new hands admitted into each trade, or to the rules which hinder ascent from inferior classes of workers to superior classes? One does not see in such regulations any of that altruism by which socialism is to be pervaded. Contrariwise, one sees a pursuit of private interests no less keen than among traders. Hence, unless we suppose that men's natures will be suddenly exalted, we must conclude that the pursuit of private interests will sway the doings of all the component classes in a socialistic society.

With passive disregard of others' claims goes active encroachment on them. "Be one of us or we will cut off your means of living," is the usual threat of each trades-union to outsiders of the same trade. While their members insist on their own freedom to combine and fix the rates at which they will work (as they are perfectly justified in doing), the freedom of those who disagree with them is not only denied but the assertion of it is treated as a crime. Individuals who maintain their rights to make their own contracts are vilified as "blacklegs" and "traitors," and meet with violence which would be merciless were there no legal penalties and no police. Along with this trampling on the liberties of men of their own class, there goes peremptory dictation to the employing class: not prescribed terms and working arrangements only shall be conformed

to, but none save those belonging to their body shall be employed—nay, in some cases, there shall be a strike if the employer carries on transactions with trading bodies that give work to non-union men. Here, then, we are variously shown by trades-unions, or at any rate by the newer trades-unions, a determination to impose their regulations without regard to the rights of those who are to be coerced. So complete is the inversion of ideas and sentiments that maintenance of these rights is regarded as vicious and trespass upon them as virtuous.*

Along with this aggressiveness in one direction there goes submissiveness in another direction. The coercion of outsiders by unionists is paralleled only by their subjection to their leaders. That they may conquer in the struggle they surrender their individual liberties and individual judgments, and show no resentment however dictatorial may be the rule exercised over them. Everywhere we see such subordination that bodies of workmen unanimously leave their work or return to it as their authorities order them. Nor do they resist when taxed all round to support strikers whose acts they may or may not approve, but instead, ill-treat recalcitrant members of their body who do not subscribe.

* Marvellous are the conclusions men reach when once they desert the simple principle, that each man should be allowed to pursue the objects of life, restrained only by the limits which the similar pursuits of their objects by other men impose. A generation ago we heard loud assertions of 'the right to labour,' that is, the right to have labour provided; and there are still not a few who think the community bound to find work for each person. Compare this with the doctrine current in France at the time when the monarchical power culminated; namely, that 'the right of working is a royal right which the prince can sell and the subjects must buy.' This contrast is startling enough; but a contrast still more startling is being provided for us. We now see a resuscitation of the despotic doctrine, differing only by the substitution of Trades-Unions for kings. For now that Trades-Unions are becoming universal, and each artisan has to pay prescribed monies to one or another of them, with the alternative of being a non-unionist to whom work is denied by force, it has come to this, that the right to labour is a Trade-Union right, which the Trade-Union can sell and the individual worker must buy!

The traits thus shown must be operative in any new social organization, and the question to be asked is—What will result from their operation when they are relieved from all restraints? At present the separate bodies of men displaying them are in the midst of a society partially passive, partially antagonistic; are subject to the criticisms and reprobations of an independent press; and are under the control of law, enforced by police. If in these circumstances these bodies habitually take courses which override individual freedom, what will happen when, instead of being only scattered parts of the community, governed by their separate sets of regulators, they constitute the whole community, governed by a consolidated system of such regulators; when functionaries of all orders, including those who officer the press, form parts of the regulative organization; and when the law is both enacted and administered by this regulative organization? The fanatical adherents of a social theory are capable of taking any measures, no matter how extreme, for carrying out their views: holding, like the merciless priesthoods of past times, that the end justifies the means. And when a general socialistic organization has been established, the vast, ramified, and consolidated body of those who direct its activities, using without check whatever coercion seems to them needful in the interests of the system (which will practically become their own interests) will have no hesitation in imposing their rigorous rule over the entire lives of the actual workers; until, eventually, there is developed an official oligarchy, with its various grades, exercising a tyranny more gigantic and more terrible than any which the world has seen.

Let me again repudiate an erroneous inference. Any one who supposes that the foregoing argument implies contentment with things as they are, makes a profound mistake. The present social state is transitional, as past social states have been transitional. There will, I hope

and believe, come a future social state differing as much from the present as the present differs from the past with its mailed barons and defenceless serfs. In *Social Statics,* as well as in *The Study of Sociology* and in *Political Institutions,* is clearly shown the desire for an organization more conducive to the happiness of men at large than that which exists. My opposition to socialism results from the belief that it would stop the progress to such a higher state and bring back a lower state. Nothing but the slow modification of human nature by the discipline of social life, can produce permanently advantageous changes.

A fundamental error pervading the thinking of nearly all parties, political and social, is that evils admit of immediate and radical remedies. "If you will but do this, the mischief will be prevented." "Adopt my plan and the suffering will disappear." "The corruption will unquestionably be cured by enforcing this measure." Everywhere one meets with beliefs, expressed or implied, of these kinds. They are all ill-founded. It is possible to remove causes which intensify the evils; it is possible to change the evils from one form into another; and it is possible, and very common, to exacerbate the evils by the efforts made to prevent them; but anything like immediate cure is impossible. In the course of thousands of years mankind have, by multiplication, been forced out of that original savage state in which small numbers supported themselves on wild food, into the civilized state in which the food required for supporting great numbers can be got only by continuous labour. The nature required for this last mode of life is widely different from the nature required for the first; and long-continued pains have to be passed through in re-moulding the one into the other. Misery has necessarily to be borne by a constitution out of harmony with its conditions; and a constitution inherited from primitive men is out of harmony with the conditions imposed on existing men. Hence it is impossible to establish forthwith a satis-

factory social state. No such nature as that which has filled Europe with millions of armed men, here eager for conquest and there for revenge—no such nature as that which prompts the nations called Christian to vie with one another in filibustering expeditions all over the world, regardless of the claims of aborigines, while their tens of thousands of priests of the religion of love look on approvingly—no such nature as that which, in dealing with weaker races, goes beyond the primitive rule of life for life, and for one life takes many lives—no such nature, I say, can, by any device, be framed into a harmonious community. The root of all well-ordered social action is a sentiment of justice, which at once insists on personal freedom and is solicitous for the like freedom of others; and there at present exists but a very inadequate amount of this sentiment.

Hence the need for further long continuance of a social discipline which requires each man to carry on his activities with due regard to the like claims of others to carry on their activities; and which, while it insists that he shall have all the benefits his conduct naturally brings, insists also that he shall not saddle on others the evils his conduct naturally brings: unless they freely undertake to bear them. And hence the belief that endeavours to elude this discipline, will not only fail, but will bring worse evils than those to be escaped.

It is not, then, chiefly in the interests of the employing classes that socialism is to be resisted, but much more in the interests of the employed classes. In one way or other production must be regulated; and the regulators, in the nature of things, must always be a small class as compared with the actual producers. Under voluntary co-operation as at present carried on, the regulators, pursuing their personal interests, take as large a share of the produce as they can get; but, as we are daily shown by trades-union successes, are restrained in the selfish pursuit

of their ends. Under that compulsory coöperation which socialism would necessitate, the regulators, pursuing their personal interests with no less selfishness, could not be met by the combined resistance of free workers; and their power, unchecked as now by refusals to work save on prescribed terms, would grow and ramify and consolidate till it became irresistible. The ultimate result, as I have before pointed out, must be a society like that of ancient Peru, dreadful to contemplate, in which the mass of the people, elaborately regimented in groups of 10, 50, 100, 500, and 1000, ruled by officers of corresponding grades, and tied to their districts, were superintended in their private lives as well as in their industries, and toiled hopelessly for the support of the governmental organization.

# THE AMERICANS:

## A Conversation and a Speech, with an Addition.

[*Originally published in America and afterwards published in England in* The Contemporary Review *for January* 1883, *preceded by the following editorial note:*—"*The state of Mr. Spencer's health unfortunately not permitting him to give in the form of articles the results of his observations on American society, it is thought useful to reproduce, under his own revision and with some additional remarks, what he has said on the subject; especially as the accounts of it which have appeared in this country are imperfect: reports of the conversation having been abridged, and the speech being known only by telegraphic summary.*

*The earlier paragraphs of the conversation, which refer to Mr. Spencer's persistent exclusion of reporters and his objections to the interviewing system, are omitted, as not here concerning the reader. There was no eventual yielding, as has been supposed. It was not to a newspaper-reporter that the opinions which follow were expressed, but to an intimate American friend: the primary purpose being to correct the many misstatements to which the excluded interviewers had given currency; and the occasion being taken for giving utterance to impressions of American affairs.*"—Ed.]

### I.—A Conversation: *October* 20, 1882.

Has what you have seen answered your expectations?

It has far exceeded them. Such books about America as I had looked into had given me no adequate idea of the immense developments of material civilization which

I have everywhere found. The extent, wealth, and magnificence of your cities, and especially the splendour of New York, have altogether astonished me. Though I have not visited the wonder of the West, Chicago, yet some of your minor modern places, such as Cleveland, have sufficiently amazed me by the results of one generation's activity. Occasionally, when I have been in places of some ten thousand inhabitants where the telephone is in general use, I have felt somewhat ashamed of our own unenterprising towns, many of which, of fifty thousand inhabitants and more, make no use of it.

I suppose you recognize in these results the great benefits of free institutions?

Ah! Now comes one of the inconveniences of interviewing. I have been in the country less than two months, have seen but a relatively small part of it, and but comparatively few people, and yet you wish from me a definite opinion on a difficult question.

Perhaps you will answer, subject to the qualification that you are but giving your first impressions?

Well, with that understanding, I may reply that though the free institutions have been partly the cause, I think they have not been the chief cause. In the first place, the American people have come into possession of an unparalleled fortune—the mineral wealth and the vast tracts of virgin soil producing abundantly with small cost of culture. Manifestly, that alone goes a long way towards producing this enormous prosperity. Then they have profited by inheriting all the arts, appliances, and methods, developed by older societies, while leaving behind the obstructions existing in them. They have been able to pick and choose from the products of all past experience, appropriating the good and rejecting the bad. Then, besides these favours of fortune, there are factors proper to themselves. I perceive in American faces generally a great amount of determination—a kind of "do or die"

expression; and this trait of character, joined with a power of work exceeding that of any other people, of course produces an unparalleled rapidity of progress. Once more, there is the inventiveness which, stimulated by the need for economizing labour, has been so wisely fostered. Among us in England, there are many foolish people who, while thinking that a man who toils with his hands has an equitable claim to the product, and if he has special skill may rightly have the advantage of it, also hold that if a man toils with his brain, perhaps for years, and, uniting genius with perseverance, evolves some valuable invention, the public may rightly claim the benefit. The Americans have been more far-seeing. The enormous museum of patents which I saw at Washington is significant of the attention paid to inventors' claims; and the nation profits immensely from having in this direction (though not in all others) recognized property in mental products. Beyond question, in respect of mechanical appliances the Americans are ahead of all nations. If along with your material progress there went equal progress of a higher kind, there would remain nothing to be wished.

That is an ambiguous qualification. What do you mean by it?

You will understand me when I tell you what I was thinking the other day. After pondering over what I have seen of your vast manufacturing and trading establishments, the rush of traffic in your street-cars and elevated railways, your gigantic hotels and Fifth Avenue palaces, I was suddenly reminded of the Italian Republics of the Middle Ages; and recalled the fact that while there was growing up in them great commercial activity, a development of the arts, which made them the envy of Europe, and a building of princely mansions which continue to be the admiration of travellers, their people were gradually losing their freedom.

Do you mean this as a suggestion that we are doing the like?

It seems to me that you are. You retain the forms of

freedom; but, so far as I can gather, there has been a considerable loss of the substance. It is true that those who rule you do not do it by means of retainers armed with swords; but they do it through regiments of men armed with voting papers, who obey the word of command as loyally as did the dependants of the old feudal nobles, and who thus enable their leaders to override the general will, and make the community submit to their exactions as effectually as their prototypes of old. It is doubtless true that each of your citizens votes for the candidate he chooses for this or that office, from President downwards; but his hand is guided by an agency behind which leaves him scarcely any choice. "Use your political power as we tell you, or else throw it away," is the alternative offered to the citizen. The political machinery as it is now worked, has little resemblance to that contemplated at the outset of your political life. Manifestly, those who framed your Constitution never dreamed that twenty thousand citizens would go to the poll led by a "boss." America exemplifies at the other end of the social scale, a change analogous to that which has taken place under sundry despotisms. You know that in Japan, before the recent Revolution, the divine ruler, the Mikado, nominally supreme, was practically a puppet in the hands of his chief minister, the Shogun. Here it seems to me that "the sovereign people" is fast becoming a puppet which moves and speaks as wire-pullers determine.

Then you think that Republican institutions are a failure?

By no means: I imply no such conclusion. Thirty years ago, when often discussing politics with an English friend, and defending Republican institutions, as I always have done and do still, and when he urged against me the ill-working of such institutions over here, I habitually replied that the Americans got their form of government by a happy accident, not by normal progress, and that they would have to go back before they could go forward. What has since happened seems to me to have justified that

view; and what I see now, confirms me in it. America is showing, on a larger scale than ever before, that "paper Constitutions" will not work as they are intended to work. The truth, first recognized by Mackintosh, that Constitutions are not made but grow, which is part of the larger truth that societies, throughout their whole organizations, are not made but grow, at once, when accepted, disposes of the notion that you can work as you hope any artificially-devised system of government. It becomes an inference that if your political structure has been manufactured and not grown, it will forthwith begin to grow into something different from that intended—something in harmony with the natures of the citizens, and the conditions under which the society exists. And it evidently has been so with you. Within the forms of your Constitution there has grown up this organization of professional politicians altogether uncontemplated at the outset, which has become in large measure the ruling power.

But will not education and the diffusion of political knowledge fit men for free institutions?

No. It is essentially a question of character, and only in a secondary degree a question of knowledge. But for the universal delusion about education as a panacea for political evils, this would have been made sufficiently clear by the evidence daily disclosed in your papers. Are not the men who officer and control your Federal, your State, and your Municipal organizations—who manipulate your caucuses and conventions, and run your partisan campaigns—all educated men? And has their education prevented them from engaging in, or permitting, or condoning, the briberies, lobbyings, and other corrupt methods which vitiate the actions of your administrations? Perhaps party newspapers exaggerate these things; but what am I to make of the testimony of your civil service reformers—men of all parties? If I understand the matter aright, they are attacking, as vicious and dangerous, a system

which has grown up under the natural spontaneous working of your free institutions—are exposing vices which education has proved powerless to prevent?

Of course, ambitious and unscrupulous men will secure the offices, and education will aid them in their selfish purposes. But would not those purposes be thwarted, and better Government secured, by raising the standard of knowledge among the people at large?

Very little. The current theory is that if the young are taught what is right, and the reasons why it is right, they will do what is right when they grow up. But considering what religious teachers have been doing these two thousand years, it seems to me that all history is against the conclusion, as much as is the conduct of these well-educated citizens I have referred to; and I do not see why you expect better results among the masses. Personal interests will sway the men in the ranks, as they sway the men above them; and the education which fails to make the last consult public good rather than private good, will fail to make the first do it. The benefits of political purity are so general and remote, and the profit to each individual is so inconspicuous, that the common citizen, educate him as you like, will habitually occupy himself with his personal affairs, and hold it not worth his while to fight against each abuse as soon as it appears. Not lack of information, but lack of certain moral sentiment, is the root of the evil.

You mean that people have not a sufficient sense of public duty?

Well, that is one way of putting it; but there is a more specific way. Probably it will surprise you if I say the American has not, I think, a sufficiently quick sense of his own claims, and, at the same time, as a necessary consequence, not a sufficiently quick sense of the claims of others—for the two traits are organically related. I observe that they tolerate various small interferences and dictations which Englishmen are prone to resist. I am told that the

English are remarked on for their tendency to grumble in such cases; and I have no doubt it is true.

Do you think it worth while for people to make themselves disagreeable by resenting every trifling aggression? We Americans think it involves too much loss of time and temper, and doesn't pay.

Exactly; that is what I mean by character. It is this easy-going readiness to permit small trespasses, because it would be troublesome or profitless or unpopular to oppose them, which leads to the habit of acquiescence in wrong, and the decay of free institutions. Free institutions can be maintained only by citizens, each of whom is instant to oppose every illegitimate act, every assumption of supremacy, every official excess of power, however trivial it may seem. As Hamlet says, there is such a thing as "greatly to find quarrel in a straw," when the straw implies a principle. If, as you say of the American, he pauses to consider whether he can afford the time and trouble—whether it will pay, corruption is sure to creep in. All these lapses from higher to lower forms begin in trifling ways, and it is only by incessant watchfulness that they can be prevented. As one of your early statesmen said—"The price of liberty is eternal vigilance." But it is far less against foreign aggressions upon national liberty that this vigilance is required, than against the insidious growth of domestic interferences with personal liberty. In some private administrations which I have been concerned with, I have often insisted that instead of assuming, as people usually do, that things are going right until it is proved that they are going wrong, the proper course is to assume that they are going wrong until it is proved that they are going right. You will find continually that private corporations, such as joint-stock banking companies, come to grief from not acting on this principle; and what holds of these small and simple private administrations holds still more of the great and complex public administrations.

People are taught, and I suppose believe, that the heart of man "is deceitful above all things, and desperately wicked;" and yet, strangely enough, believing this, they place implicit trust in those they appoint to this or that function. I do not think so ill of human nature; but, on the other hand, I do not think so well of human nature as to believe it will go straight without being watched.

You hinted that while Americans do not assert their own individualities sufficiently in small matters, they, reciprocally, do not sufficiently respect the individualities of others.

Did I? Here, then, comes another of the inconveniences of interviewing. I should have kept this opinion to myself if you had asked me no questions; and now I must either say what I do not think, which I cannot, or I must refuse to answer, which, perhaps, will be taken to mean more than I intend, or I must specify, at the risk of giving offence. As the least evil, I suppose I must do the last. The trait I refer to comes out in various ways, small and great. It is shown by the disrespectful manner in which individuals are dealt with in your journals—the placarding of public men in sensational headings, the dragging of private people and their affairs into print. There seems to be a notion that the public have a right to intrude on private life as far as they like; and this I take to be a kind of moral trespassing. Then, in a larger way, the trait is seen in this damaging of private property by your elevated railways without making compensation; and it is again seen in the doings of railway autocrats, not only when overriding the rights of shareholders, but in dominating over courts of justice and State governments. The fact is that free institutions can be properly worked only by men, each of whom is jealous of his own rights, and also sympathetically jealous of the rights of others—who will neither himself aggress on his neighbours in small things or great, nor tolerate aggression on them by others. The Republican form of government is the highest form of government; but because of this it

requires the highest type of human nature—a type nowhere at present existing. We have not grown up to it; nor have you.

But we thought, Mr. Spencer, you were in favour of free government in the sense of relaxed restraints, and letting men and things very much alone, or what is called *laissez faire?*

That is a persistent misunderstanding of my opponents. Everywhere, along with the reprobation of Government intrusion into various spheres where private activities should be left to themselves, I have contended that in its special sphere, the maintenance of equitable relations among citizens, governmental action should be extended and elaborated.

To return to your various criticisms, must I then understand that you think unfavourably of our future?

No one can form anything more than vague and general conclusions respecting your future. The factors are too numerous, too vast, too far beyond measure in their quantities and intensities. The world has never before seen social phenomena at all comparable with those presented in the United States. A society spreading over enormous tracts, while still preserving its political continuity, is a new thing. This progressive incorporation of vast bodies of immigrants of various bloods, has never occurred on such a scale before. Large empires, composed of different peoples, have, in previous cases, been formed by conquest and annexation. Then your immense *plexus* of railways and telegraphs tends to consolidate this vast aggregate of States in a way that no such aggregate has ever before been consolidated. And there are many minor co-operating causes, unlike those hitherto known. No one can say how it is all going to work out. That there will come hereafter troubles of various kinds, and very grave ones, seems highly probable; but all nations have had, and will have, their troubles. Already you have triumphed over one great trouble, and

may reasonably hope to triumph over others. It may, I think, be concluded that, both because of its size and the heterogeneity of its components, the American nation will be a long time in evolving its ultimate form, but that its ultimate form will be high. One great result is, I think, tolerably clear. From biological truths it is to be inferred that the eventual mixture of the allied varieties of the Aryan race forming the population, will produce a finer type of man than has hitherto existed; and a type of man more plastic, more adaptable, more capable of undergoing the modifications needful for complete social life. I think that whatever difficulties they may have to surmount, and whatever tribulations they may have to pass through, the Americans may reasonably look forward to a time when they will have produced a civilization grander than any the world has known.

## II.—A Speech:

*Delivered on the occasion of a Complimentary Dinner in New York, on November 9, 1882.*

Mr. President and Gentlemen:—Along with your kindness there comes to me a great unkindness from Fate; for, now that, above all times in my life, I need full command of what powers of speech I possess, disturbed health so threatens to interfere with them that I fear I shall very inadequately express myself. Any failure in my response you must please ascribe, in part at least, to a greatly disordered nervous system. Regarding you as representing Americans at large, I feel that the occasion is one on which arrears of thanks are due. I ought to begin with the time, some two-and-twenty years ago, when my highly valued friend Professor Youmans, making efforts to diffuse my books here, interested on their behalf the Messrs. Appleton, who have ever treated me so honourably and so handsomely; and I ought to detail from that time onward the various

marks and acts of sympathy by which I have been encouraged in a struggle which was for many years disheartening. But, intimating thus briefly my general indebtedness to my numerous friends, most of them unknown, on this side of the Atlantic, I must name more especially the many attentions and proffered hospitalities met with during my late tour, as well as, lastly and chiefly, this marked expression of the sympathies and good wishes which many of you have travelled so far to give, at great cost of that time which is so precious to the American. I believe I may truly say, that the better health which you have so cordially wished me, will be in a measure furthered by the wish; since all pleasurable emotion is conducive to health, and, as you will fully believe, the remembrance of this event will ever continue to be a source of pleasurable emotion, exceeded by few, if any, of my remembrances.

And now that I have thanked you, sincerely though too briefly, I am going to find fault with you. Already, in some remarks drawn from me respecting American affairs and American character, I have passed criticisms, which have been accepted far more good-humouredly than I could have reasonably expected; and it seems strange that I should now propose again to transgress. However, the fault I have to comment upon is one which most will scarcely regard as a fault. It seems to me that in one respect Americans have diverged too widely from savages, I do not mean to say that they are in general unduly civilized. Throughout large parts of the population, even in long-settled regions, there is no excess of those virtues needed for the maintenance of social harmony. Especially out in the West, men's dealings do not yet betray too much of the "sweetness and light" which we are told distinguish the cultured man from the barbarian. Nevertheless, there is a sense in which my assertion is true. You know that the primitive man lacks power of application. Spurred by hunger, by danger, by revenge, he can exert himself

energetically for a time; but his energy is spasmodic. Monotonous daily toil is impossible to him. It is otherwise with the more developed man. The stern discipline of social life has gradually increased the aptitude for persistent industry; until, among us, and still more among you, work has become with many a passion. This contrast of nature has another aspect. The savage thinks only of present satisfactions, and leaves future satisfactions uncared for. Contrariwise, the American, eagerly pursuing a future good, almost ignores what good the passing day offers him; and when the future good is gained, he neglects that while striving for some still remoter good.

What I have seen and heard during my stay among you has forced on me the belief that this slow change from habitual inertness to persistent activity has reached an extreme from which there must begin a counterchange—a reaction. Everywhere I have been struck with the number of faces which told in strong lines of the burdens that had to be borne. I have been struck, too, with the large proportion of gray-haired men; and inquiries have brought out the fact, that with you the hair commonly begins to turn some ten years earlier than with us. Moreover, in every circle I have met men who had themselves suffered from nervous collapse due to stress of business, or named friends who had either killed themselves by overwork, or had been permanently incapacitated, or had wasted long periods in endeavours to recover health. I do but echo the opinion of all the observant persons I have spoken to, that immense injury is being done by this high-pressure life—the physique is being undermined. That subtle thinker and poet whom you have lately had to mourn, Emerson, says, in his essay on the Gentleman, that the first requisite is that he shall be a good animal. The requisite is a general one—it extends to the man, to the father, to the citizen. We hear a great deal about "the vile body;" and many are encouraged by the phrase to transgress the laws of

health. But Nature quietly suppresses those who treat thus disrespectfully one of her highest products, and leaves the world to be peopled by the descendants of those who are not so foolish.

Beyond these immediate mischiefs there are remoter mischiefs. Exclusive devotion to work has the result that amusements cease to please; and, when relaxation becomes imperative, life becomes dreary from lack of its sole interest —the interest in business. The remark current in England that, when the American travels, his aim is to do the greatest amount of sight-seeing in the shortest time, I find current here also: it is recognized that the satisfaction of getting on devours nearly all other satisfactions. When recently at Niagara, which gave us a whole week's pleasure, I learned from the landlord of the hotel that most Americans come one day and go away the next. Old Froissart, who said of the English of his day that "they take their pleasures sadly after their fashion," would doubtless, if he lived now, say of the Americans that they take their pleasures hurriedly after their fashion. In large measure with us, and still more with you, there is not that abandonment to the moment which is requisite for full enjoyment; and this abandonment is prevented by the ever-present sense of multitudinous responsibilities. So that, beyond the serious physical mischief caused by overwork, there is the further mischief that it destroys what value there would otherwise be in the leisure part of life.

Nor do the evils end here. There is the injury to posterity. Damaged constitutions reappear in children, and entail on them far more of ill than great fortunes yield them of good. When life has been duly rationalized by science, it will be seen that among a man's duties, care of the body is imperative; not only out of regard for personal welfare, but also out of regard for descendants. His constitution will be considered as an entailed estate, which he ought to pass on uninjured, if not improved, to those who follow; and it will be held that millions bequeathed by him

will not compensate for feeble health and decreased ability to enjoy life. Once more, there is the injury to fellow-citizens, taking the shape of undue disregard of competitors. I hear that a great trader among you deliberately endeavoured to crush out every one whose business competed with his own; and manifestly the man who, making himself a slave to accumulation, absorbs an inordinate share of the trade or profession he is engaged in, makes life harder for all others engaged in it, and excludes from it many who might otherwise gain competencies. Thus, besides the egoistic motive, there are two altruistic motives which should deter from this excess in work.

The truth is, there needs a revised ideal of life. Look back through the past, or look abroad through the present, and we find that the ideal of life is variable, and depends on social conditions. Every one knows that to be a successful warrior was the highest aim among all ancient peoples of note, as it is still among many barbarous peoples. When we remember that in the Norseman's heaven the time was to be passed in daily battles, with magical healing of wounds, we see how deeply rooted may become the conception that fighting is man's proper business, and that industry is fit only for slaves and people of low degree. That is to say, when the chronic struggles of races necessitate perpetual wars, there is evolved an ideal of life adapted to the requirements. We have changed all that in modern civilized societies; especially in England, and still more in America. With the decline of militant activity, and the growth of industrial activity, the occupations once disgraceful have become honourable. The duty to work has taken the place of the duty to fight; and in the one case, as in the other, the ideal of life has become so well established that scarcely any dream of questioning it. Practically, business has been substituted for war as the purpose of existence.

Is this modern ideal to survive throughout the future? I think not. While all other things undergo continuous

change, it is impossible that ideals should remain fixed. The ancient ideal was appropriate to the ages of conquest by man over man, and spread of the strongest races. The modern ideal is appropriate to ages in which conquest of the earth and subjection of the powers of Nature to human use, is the predominant need. But hereafter, when both these ends have in the main been achieved, the ideal formed will probably differ considerably from the present one. May we not foresee the nature of the difference? I think we may. Some twenty years ago, a good friend of mine, and a good friend of yours too, though you never saw him, John Stuart Mill, delivered at St. Andrews an inaugural address on the occasion of his appointment to the Lord Rectorship. It contained much to be admired, as did all he wrote. There ran through it, however, the tacit assumption that life is for learning and working. I felt at the time that I should have liked to take up the opposite thesis. I should have liked to contend that life is not for learning, nor is life for working, but learning and working are for life. The primary use of knowledge is for such guidance of conduct under all circumstances as shall make living complete. All other uses of knowledge are secondary. It scarcely needs saying that the primary use of work is that of supplying the materials and aids to living completely; and that any other uses of work are secondary. But in men's conceptions the secondary has in great measure usurped the place of the primary. The apostle of culture as it is commonly conceived, Mr. Matthew Arnold, makes little or no reference to the fact that the first use of knowledge is the right ordering of all actions; and Mr. Carlyle, who is a good exponent of current ideas about work, insists on its virtues for quite other reasons than that it achieves sustentation. We may trace everywhere in human affairs a tendency to transform the means into the end. All see that the miser does this when, making the accumulation of money his sole satisfaction, he forgets that money is of value only to

purchase satisfactions. But it is less commonly seen that the like is true of the work by which the money is accumulated—that industry too, bodily or mental, is but a means; and that it is as irrational to pursue it to the exclusion of that complete living it subserves, as it is for the miser to accumulate money and make no use of it. Hereafter, when this age of active material progress has yielded mankind its benefits, there will, I think, come a better adjustment of labour and enjoyment. Among reasons for thinking this, there is the reason that the process of evolution throughout the organic world at large, brings an increasing surplus of energies that are not absorbed in fulfilling material needs, and points to a still larger surplus for the humanity of the future. And there are other reasons, which I must pass over. In brief, I may say that we have had somewhat too much of "the gospel of work." It is time to preach the gospel of relaxation.

This is a very unconventional after-dinner speech. Especially it will be thought strange that in returning thanks I should deliver something very much like a homily. But I have thought I could not better convey my thanks than by the expression of a sympathy which issues in a fear. If, as I gather, this intemperance in work affects more especially the Anglo-American part of the population—if there results an undermining of the physique, not only in adults, but also in the young, who, as I learn from your daily journals, are also being injured by overwork—if the ultimate consequence should be a dwindling away of those among you who are the inheritors of free institutions and best adapted to them; then there will come a further difficulty in the working out of that great future which lies before the American nation. To my anxiety on this account you must please ascribe the unusual character of my remarks.

And now I must bid you farewell. When I sail by the *Germanic* on Saturday, I shall bear with me pleasant

remembrances of my intercourse with many Americans joined with regrets that my state of health has prevented, me from seeing a larger number.

Postscript.—A few words may fitly be added respecting the causes of this over-activity in American life—causes which may be identified as having in recent times partially operated among ourselves, and as having wrought kindred, though less marked, effects. It is the more worth while to trace the genesis of this undue absorption of the energies in work, since it well serves to illustrate the general truth which should be ever present to all legislators and politicians, that the indirect and unforeseen results of any cause affecting a society are frequently, if not habitually, greater and more important than the direct and foreseen results.

This high pressure under which Americans exist, and which is most intense in places like Chicago, where the prosperity and rate of growth are greatest, is seen by many intelligent Americans themselves to be an indirect result of their free institutions and the absence of those class-distinctions and restraints existing in older communities. A society in which the man who dies a millionaire is so often one who commenced life in poverty, and in which (to paraphrase a French saying concerning the soldier) every news-boy carries a president's seal in his bag, is, by consequence, a society in which all are subject to a stress of competition for wealth and honour, greater than can exist in a society whose members are nearly all prevented from rising out of the ranks in which they were born, and have but remote possibilities of acquiring fortunes. In those European societies which have in great measure preserved their old types of structure (as in our own society up to the time when the great development of industrialism began to open ever-multiplying careers for the producing and distributing classes) there is so little chance of overcoming the obstacles to any great rise in position or possessions, that

nearly all have to be content with their places: entertaining little or no thought of bettering themselves. A manifest concomitant is that, fulfilling, with such efficiency as a moderate competition requires, the daily tasks of their respective situations, the majority become habituated to making the best of such pleasures as their lot affords, during whatever leisure they get. But it is otherwise where an immense growth of trade multiplies greatly the chances of success to the enterprising; and still more is it otherwise where class-restrictions are partially removed or wholly absent. Not only are more energy and thought put into the time daily occupied in work, but the leisure comes to be trenched upon, either literally by abridgment, or else by anxieties concerning business. Clearly, the larger the number who, under such conditions, acquire property, or achieve higher positions, or both, the sharper is the spur to the rest. A raised standard of activity establishes itself and goes on rising. Public applause given to the successful, becoming in communities thus circumstanced the most familiar kind of public applause, increases continually the stimulus to action. The struggle grows more and more strenuous, and there comes an increasing dread of failure—a dread of being "left," as the Americans say: a significant word, since it is suggestive of a race in which the harder any one runs, the harder others have to run to keep up with him—a word suggestive of that breathless haste with which each passes from a success gained to the pursuit of a further success. And on contrasting the English of to-day with the English of a century ago, we may see how, in a considerable measure, the like causes have entailed here kindred results.

Even those who are not directly spurred on by this intensified struggle for wealth and honour, are indirectly spurred on by it. For one of its effects is to raise the standard of living, and eventually to increase the average rate of expenditure for all. Partly for personal enjoyment,

but much more for the display which brings admiration, those who acquire fortunes distinguish themselves by luxurious habits. The more numerous they become, the keener becomes the competition for that kind of public attention given to those who make themselves conspicuous by great expenditure. The competition spreads downwards step by step; until, to be "respectable," those having relatively small means feel obliged to spend more on houses, furniture, dress, and food; and are obliged to work the harder to get the requisite larger income. This process of causation is manifest enough among ourselves; and it is still more manifest in America, where the extravagance in style of living is greater than here.

Thus, though it seems beyond doubt that the removal of all political and social barriers, and the giving to each man an unimpeded career, must be purely beneficial; yet there is (at first) a considerable set-off from the benefits. Among those who in older communities have by laborious lives gained distinction, some may be heard privately to confess that "the game is not worth the candle;" and when they hear of others who wish to tread in their steps, shake their heads and say—"If they only knew!" Without accepting in full so pessimistic an estimate of success, we must still say that very generally the cost of the candle deducts largely from the gain of the game. That which in these exceptional cases holds among ourselves, holds more generally in America. An intensified life, which may be summed up as—great labour, great profit, great expenditure—has for its concomitant a wear and tear which considerably diminishes in one direction the good gained in another. Added together, the daily strain through many hours and the anxieties occupying many other hours—the occupation of consciousness by feelings that are either indifferent or painful, leaving relatively little time for occupation of it by pleasurable feelings—tend to lower its level more than its level is raised by the gratifications of achievement

and the accompanying benefits. So that it may, and in many cases does, result that diminished happiness goes along with increased prosperity. Unquestionably, as long as order is fairly maintained, that absence of political and social restraints which gives free scope to the struggles for profit and honour, conduces greatly to material advance of the society—develops the industrial arts, extends and improves the business organizations, augments the wealth; but that it raises the value of individual life, as measured by the average state of its feeling, by no means follows. That it will do so eventually, is certain; but that it does so now seems, to say the least, very doubtful.

The truth is that a society and its members act and react in such wise that while, on the one hand, the nature of the society is determined by the natures of its members; on the other hand, the activities of its members (and presently their natures) are re-determined by the needs of the society, as these alter: change in either entails change in the other. It is an obvious implication that, to a great extent the life of a society so sways the wills of its members as to turn them to its ends. That which is manifest during the militant stage, when the social aggregate coerces its units into co-operation for defence, and sacrifices many of their lives for its corporate preservation holds under another form during the industrial stage, as we at present know it. Though the co-operation of citizens is now voluntary instead of compulsory; yet the social forces impel them to achieve social ends while apparently achieving only their own ends. The man who, carrying out an invention, thinks only of private welfare to be thereby secured, is in far larger measure working for public welfare: instance the contrast between the fortune made by Watt and the wealth which the steam-engine has given to mankind. He who utilizes a new material, improves a method of production, or introduces a better way of carrying on business, and does this for the purpose of distancing competitors, gains

for himself little compared with that which he gains for the community by facilitating the lives of all. Either unknowingly or in spite of themselves, Nature leads men by purely personal motives to fulfil her ends: Nature being one of our expressions for the Ultimate Cause of things, and the end, remote when not proximate, being the highest form of human life.

Hence no argument, however cogent, can be expected to produce much effect: only here and there one may be influenced. As in an actively militant stage of society it is impossible to make many believe that there is any glory preferable to that of killing enemies; so, where rapid material growth is going on, and affords unlimited scope for the energies of all, little can be done by insisting that life has higher uses than work and accumulation. While among the most powerful of feelings continue to be the desire for public applause and dread of public censure—while the anxiety to achieve distinction, now by conquering enemies, now by beating competitors, continues predominant—while the fear of public reprobation affects men more than the fear of divine vengeance (as witness the long survival of duelling in Christian societies); this excess of work which ambition prompts, seems likely to continue with but small qualification. The eagerness for the honour accorded to success, first in war and then in commerce, has been indispensable as a means to peopling the Earth with the higher types of man, and the subjugation of its surface and its forces to human use. Ambition may fitly come to bear a smaller ratio to other motives, when the working out of these needs is approaching completeness; and when also, by consequence, the scope for satisfying ambition is diminishing. Those who draw the obvious corollaries from the doctrine of Evolution—those who believe that the process of modification upon modification which has brought life to its present height must raise it still higher, will anticipate that the "last infirmity of noble mind" will in the distant future slowly

decrease. As the sphere for achievement becomes smaller, the desire for applause will lose that predominance which it now has. A better ideal of life may simultaneously come to prevail. When there is fully recognized the truth that moral beauty is higher than intellectual power—when the wish to be admired is in large measure replaced by the wish to be loved; that strife for distinction which the present phase of civilization shows us will be greatly moderated. Along with other benefits may then come a rational proportioning of work and relaxation; and the relative claims of to-day and to-morrow may be properly balanced.

THE END.

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